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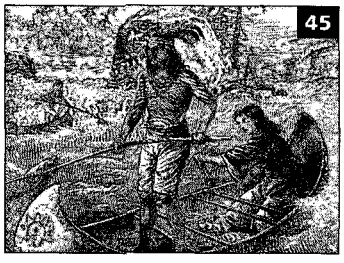

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Priced to Move

The CPI can't keep up with a dynamic economy.

By Virginia I. Postrel

Styling aside, would you rather have a brand-new 1972 car or the equivalent 1997 model? A new house circa 25 years ago or one built today? The medical care of 1972 or 1997? The restaurants? Winter fruits and vegetables? Disposable diapers, shampoo, TV sets, diet soda, panty hose, sneakers, bathroom cleansers, alarm clocks, contact lenses, or stereo systems?

The past few decades have witnessed extraordinary progress in the quality and variety of goods and services. Nor does that progress end with the microprocessor and its well-publicized offspring, however amazing and important they may be. It encompasses adhesives (in everything from Post-It notes to beltless sanitary napkins to easily removable price tags), packaging (remember when shattered glass shampoo bottles were a real danger, store-bought cookies were always hard, and metal toothpaste tubes crumbled with age?), fibers (wrinkle-free slacks, harder-to-run hose, stain-resistant carpet), and chemicals galore (from scrubbing bubbles that attack soap scum to Retin-A that attacks wrinkles). Cars last longer, airplane rides are smoother, long-distance calls are clearer, and even the bread tastes better.

Americans are, however, a forgetful lot. We take our good fortune for granted and concentrate on what we don't have. That restlessness can itself be a spur to progress, but it can also become perverse: GenXers who have never seen a blurry TV picture or lived without central air conditioning grouse about their hard lives—and they're often more optimistic than their elders. The answer to the question, "Are you better off than you were 25 years ago?" is widely assumed to be no. Indeed, when REASON published a cover story in December 1995 arguing that by numerous objective measures—from the size of new homes to the length of work weeks—the standard of living has been rising since the early '70s, many readers were outraged. (See "The Good Old Days Are Now," December 1995.) Conservatives believe the good old days were yesterday, while leftists just hate capitalism and, increasingly, progress as well.

This debate is at the heart of a seemingly technical report titled "Toward a More Accurate Measure of the Cost of Living," prepared for the Senate Finance Committee by an all-star team of economists led by Stanford's Michael Boskin. Released in early December, it argues that the consumer price index has been significantly overstated at least since the 1970s and should be revised. It's rare for a handful of economic technicians to make big news, but the Boskin Commission did—and will continue to over the coming year (The report is available at http://www.politicsnow.com/news/special/cpi1/).

That's because the commission's recommendations, which include ideas for creating a truer cost-of-living index, have significant budgetary implications. Even before the final report was out, journalists were warning of "a looming stealth attack on the deficit and growing entitlement programs," in the words of Susan Dentzer of *U.S. News & World Report.* The CPI drives both automatic increases in federal handouts, notably Social Security, and inflation adjustments in income tax rates. But, says the commission, the CPI overestimates inflation by at least 1.1 percentage points a year. That translates into more than a trillion dollars in federal taxes and outlays between now and 2008. Not surprisingly, the entitlements lobbies have geared up big time to attack the commission's conclusions.

But there's even more at stake in this debate. By questioning the CPI, the commission is challenging not only some big items in the federal budget but the conventional wisdom about our recent economic history. The entire gloom-and-doom industry is threatened. As Boskin wrote in *The Wall Street Journal,* "The implications of overstating inflation for understanding economic progress are equally striking. Instead of falling by 13%, real hourly earnings have risen by 13% from 1973 to 1995. Certainly, there has been a slowdown in wage growth, but not a decline. Real median family income over the same period grew 36%, not the puny 4% in the official statistics that deflate by the CPI."

The commission's report identifies several sources of error in the CPI, all stemming from a central fact: the dynamism of the American economy. "If the American economy was quite static," says the report, "with very few new products introduced, very little quality improvement in existing products, little change in consumers' income, and very small and infrequent changes in the relative prices of goods and services, measuring changes in the cost of living would be conceptually quite easy and its implementation a matter of technical detail and appropriate execution. Fortunately for the overwhelming majority of Americans, our economy is far more dynamic and flexible than that."

As a result, pricing an essentially static "market basket" of goods—without considering how consumers switch among products in response to price changes, how people change where they shop, what new products have been introduced, or what quality improvements have taken place—tends to make the cost of living appear to rise faster than it really has.

In real life, we don't stick with a fixed market basket. When the price of beef rises, we eat more chicken; the price of maintaining the same standard of living may still go up, but not as fast as it would if we couldn't switch. We also buy new products, whose prices are often falling rapidly. (By waiting until 1987 to add VCRs and 1998 to count cellular phones, for example, the CPI has missed huge price drops.) And we all know—at least when we bother to consider the question—that most of today's products are superior to

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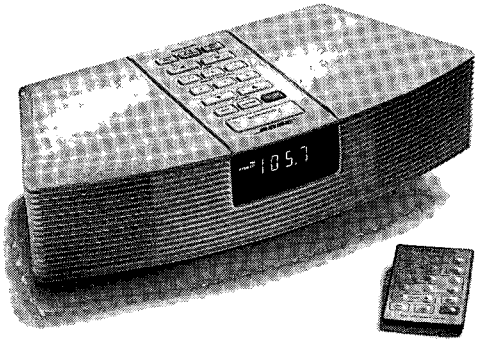

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yesterday's. From laundry detergent to computers, light bulbs to shaving cream, we simply assume improving quality. Yet the CPI generally treats today's product as identical to yesterday's in every aspect except price. It also misses, or misinterprets, changes in where we shop. Although discounters such as Wal-Mart have boomed in recent decades, offering both lower prices and often equal or better service than competing stores, the government's statisticians have all but ignored the trend.

They've also crammed fluid "products" into rigid categories. For CPI purposes, for instance, "full-fare" airline tickets are one thing and "discount" tickets quite another. To travelers, a ticket is a ticket, prices fluctuate constantly, and you shop around for the best deal. The CPI may claim that prices doubled between 1980 and 1990, but that's not what we air travelers saw. "Many Americans," writes Peter Grier of *The Christian Science Monitor*, "might judge that their actual air transportation costs fell on a per-mile basis during that period, as super-saver fares swept through the industry." I'd guess that mine rose maybe 10 percent—an increase, thanks to the industry shakeout in the mid-'80s, but hardly a doubling.

None of this means that the people at the Bureau of Labor Statistics are incompetent. But what they're trying to do may be impossible. To analyze quality fluctuations, the Boskin Commission draws on several decades of very specialized and technical work on price changes in specific industries such as pharmaceuticals, computers, and apparel. Reading its report and some of the papers it footnotes is a great way to get a sense of how complex the economy is—and how incredibly difficult it is to measure something as subtle as the cost of living. What, indeed, is an "airfare"? How do we account for the declining number of defects in new cars? For video rentals replacing movie-going? The entertainment value of restaurants? Better stereo sound and nearly perfect TV pictures? Is a Granny Smith apple really a different product from a Golden Delicious? How different? How exactly do you measure the quality difference between Wal-Mart and Penney's? (And all this is ignoring serious mathematical and statistical issues.)

The more you know about an industry, the more questions you see. In a conservative moment, for instance, the report assumes no significant quality improvements, and hence no CPI bias, in newspapers and magazines—thereby missing the phenomenal growth of color printing and the increased timeliness of news publications, both effects of technological advances and neither reflected in higher prices. One question leads to another, eventually calling the whole enterprise into doubt, especially if it's more than an intellectual exercise. "Peer behind the statistical curtain," writes Kim Clark of *Fortune*, "and you'll wonder whether economists can—or should—try to measure the true cost of living." Clearly there is such a thing as an overall rise in the price level, distinct from individual product variations, but calculating it in a rapidly changing economy seems nearly impossible.

Part of the problem is that the nature of economic progress has changed. Once, in the not-so-distant past, it was mostly a matter of getting more stuff. Everyone wanted three meals a day, indoor plumbing, a bedroom for each of the kids, air conditioning, color TV. When progress is just a matter of getting more, it's relatively easy to recognize—and to measure. Refrigerators, elevators, and smooth, modern highways were exciting in the late 1930s, writes David Gelernter in *1939: The Lost World of the Fair*, nostalgic for the period's optimism: "Technology was a less capable yet far more wonderful thing in 1939 than it is today." We tend to recognize dramatic changes, not subtle improvements.

The desire for more hasn't gone away: We want Net-surfing computers, cellular phones, Nintendo 64, and Tickle Me Elmo. But progress isn't as obvious as it was in the earlier, poorer eras when the CPI was developed. The "extensive" phase of economic progress—where the major challenge for producers is to distribute the same basic goods to as many people as possible—is over for most products in the United States. We've reached the "intensive" stage, where incremental improvements and niche products—increases in *quality*—become important. These improvements are real, but they are much harder to count. So when they show up in higher prices, it's easy to attribute the increase to inflation. Techniques that once

worked reasonably well for measuring the cost of living don't work as well today. They not only distort federal spending patterns (and give us regular tax cuts), they teach us to feel sorry for ourselves.

"The current CPI seems to make sense of our recent economic history," writes a leading critic of the Boskin Commission, economist Dean Baker of the left-leaning Economic Policy Institute. "Adjusting for a large overstatement in the CPI creates measures that do not fit the world we know." The past was not, he says, as bad as the revisions would suggest and the present and future can't be as good. "If the Boskin Commission is right, our children and grandchildren can look forward to an incredibly prosperous future," and that, he implies, surely cannot be.

Baker and his allies have invested an enormous amount of emotional, intellectual, and political capital in the notion that a dynamic economy is destructive, that our recent economic lives have been not merely turbulent but terrible. By parsing the statistics behind the politics, and finding them wanting, the Boskin Commission has called that message into doubt. "The world we know" is not in fact gloomy, nor should our children expect an impoverished future. We don't really need a commission of Ph.D.s to tell us this—with some memory and imagination, a trip to the supermarket should suffice. ◆

REASON NEWS

■ We're pleased to announce that Bryan Snyder has been promoted to publisher of REASON, heading the magazine's business operations. Bryan, who also serves as the Reason Foundation's chief financial and administrative officer, had been associate publisher.

■ Attention college students: REASON is accepting applications for its 1997 Burton C. Gray Memorial Internship. The intern works at least 10 weeks in our Los Angeles office and receives housing, a stipend of $1,800, and up to $400 in transportation expenses. The job includes reporting and writing for REASON, helping with research, proofreading, and other magazine-related tasks. To apply, send your résumé, up to five writing samples, and cover letter to: Gray Internship, REASON, 3415 S. Sepulveda Blvd., Suite 400, Los Angeles, CA 90034-6064. The deadline is March 10, 1997.

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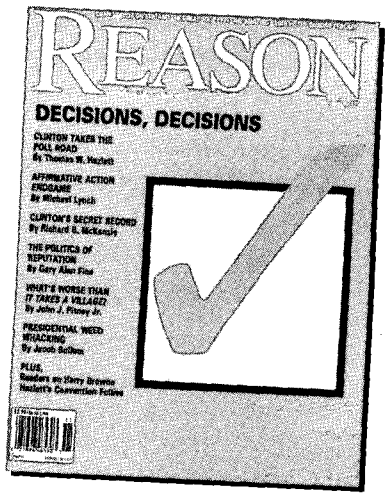

Clinton Clobbered

Richard B. McKenzie ("Clinton Confidential," November) tries to have it both ways: giving Clinton credit for the fact that "the relative growth in federal spending seen during the Bush years has been reversed during the Clinton years" and also admitting that Clinton "has not been able to expand federal involvement in the economy as much as he imagined he could four years ago."

Indeed, if the era of big government is over, it is in spite of Bill Clinton and not because of him. In February 1993 Clinton announced his first economic program—a $16 billion "fiscal stimulus" package that was nothing but a pork-filled payback to the big city Democratic mayors who helped him win election. In September 1993 he lobbied to defeat the bipartisan Penny-Kasich bill that would have cut federal spending and the deficit by $90 billion over five years.

In January 1994 Bill and Hillary announced ClintonCare, the proposed government takeover of one-seventh of the U.S. economy that the Congressional Budget Office projected would have added at least $75 billion to the deficit over six years. In January 1995 Bill Clinton submitted a 1996 budget plan that called for $12 trillion of spending over seven years and $200 billion deficits as far as the eye could see. Clinton's April 1995 budget, according to the CBO, would have had a $210 billion deficit in 1996, rising to $349 billion by 2002. In February 1996 Bill Clinton released a $1.6 trillion 1997 budget that increased spending by $360 billion over seven years, or $3,100 per American household.

It is hard to see how Clinton's proposal for spending like the Gipper's proverbial drunken sailor "compares favorably" with the record of Ronald Reagan. Not on this planet. Professor McKenzie concedes that the "Clinton White House has been constrained by Republicans in the Congress" but alleges "the differences between the two on budgets" are only "a matter of a few billion dollars a year."

Really? A few billion? Former Congressman Tim Penny and Stephen Moore of the Cato Institute state that between 1996 and 2002 "the federal government will borrow about $1.1 trillion less under the congressional budget than it would have otherwise" had not the GOP taken control of Congress in 1994. Indeed, the 104th Congress, not Bill Clinton, produced a real cut—not just reduced growth but a real cut—in discretionary spending of $53 billion. Christopher Frenze, chief economist to the Joint Economic Committee, notes further: "Of the $126 billion decline in the deficit between 1992 and 1995, $71 billion is accounted for by a continuation of the business cycle, $21 billion by swings in deposit insurance outlays related to the S&L problem, and $8 billion by spectrum auctions."

Professor McKenzie says we "should be happy that Bill Clinton defeated George Bush." Instead, we should be lighting candles for Newt Gingrich.

Daniel John Sobieski
Chicago, IL

Richard McKenzie replies: I find truly amazing the extent to which policy partisans seek to shift the grounds of the debate when the numbers don't turn out the way those partisans might like. My article sought to evaluate the Clinton years (as distinguished from the Clinton effect) by way of key measures of government involvement in the economy that have been used widely in the past by Republicans and conservatives to tout the record of the Reagan years (as distinguished from the Reagan effect). My article was concerned with what happened, not with who did it.

What happened during the past four years stands in sharp contrast with what a lot of people think happened (which can also be said about the 1980s). I agree that Clinton intended to be an activist president and that the data cited emerged in spite of his fondest dreams. I don't give much credit to the Republicans either. As Rick Henderson reports elsewhere in this issue (page 10), Dwight Lee and I were so confident back in 1992 that government would be a smaller part of the national economy in 1996—in spite of Bill Clinton's election and in spite of Democratic dominance of the Congress at the time—that we wagered $500 in print in this magazine. We won! I suspect that Mr. Sobieski would have been eager back then to take our bet. He would have lost.

Contemplating Koontz

Thanks for running the interview with Dean Koontz ("Contemplating Evil," November). I've read most of Koontz's novels and have found him to be a friend of liberty and human dignity, as well as a very entertaining storyteller. I hope many of your readers try Koontz's novels. I suggest they start with *Watchers* and *Mr. Murder.* If they can read these two and not go immediately back to the book store for more, they're probably hopeless policy wonks who watch C-SPAN on Friday nights.

While Koontz's novels are not overtly political—*Dark Rivers of the Heart* is the most political—there's always an anti–government meddling, pro-individual subtext that takes intelligent pokes (and the occasional body slam) at the futility of and outright dangers posed by big government. He spares neither left nor right.

Communicate with REASON

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Koontz's disadvantage with serious (I hate to use that word here, but I don't know what other adjective to use) readers is the supernatural dimension of his novels. He gives us some monsters, human and otherwise. But he also gives us rich, non-monstrous characters we can care about; great suspense, mystery, romance; and satisfying endings. His characters overcome their obstacles through solid human qualities, not with supernatural tricks.

With the great stories, we also get the Koontz world view, which is worth the price of admission. It's a view that libertarians and most conservatives (the ones getting enough fiber in their diets) find simpatico. And he's a lot more fun to read than Ayn Rand.

Larry Thornberry
Tampa, FL

Thank you so much for the wonderful Dean Koontz interview. What took you so long? I'd been wondering when REASON was going to comment on the intellectually stimulating, freedom-loving ideas in his novels. If the stories themselves, and the characters, weren't engrossing enough, his style elevates writing to an art form. I'm still wondering, though, why there was no mention in the interview of some of his call-to-arms novels, so reminiscent of Ayn Rand's *Atlas Shrugged.* This might have helped some of your readers, not familiar with his novels, better understand the gist of the interview. I enjoyed the interview immensely. It was just what I needed in the midst of this politically charged climate.

Roberto M. Sanabria
Dstewsan@aol.com

Questioning Authoritarianism

Christopher Lingle ("Communitarian Capitalism," October) takes issue with two recent surveys by the Heritage Foundation and the Fraser Institute which ranked Singapore number two in terms of minimal government economic intervention. To support his claim that Singapore is an emerging form of autocracy, Lingle relies on factual inaccuracies and fallacious arguments.

Lingle is wrong in claiming that international banks in Singapore are prohibited from collecting deposits from Singapore residents. The fact is that foreign banks in Singapore command a 40 percent market share of resident non-bank deposits in Singapore.

Lingle's statement that "the Monetary Authority of Singapore has consistently intervened in foreign exchange markets to control the exchange rate and to influence interest rates and inflation" shows his ignorance of the role that central banks all around the world play.

Similarly, Lingle conveniently ignores the many mandatory old age savings' schemes that are in place elsewhere in the world when he takes issue with Singapore's compulsory pension scheme, the Central Provident Fund.

Lingle's suggestion that business licenses are or can be revoked arbitrarily is absurd. He ignores the fact that Singapore's business environment has been highly rated by many international business surveys.

Lingle's penchant for distorting the facts is clear in his statement that "there is an overriding moral corruption in the administration of 'justice' by jurists who are only too eager to carry out the bidding of the ruling People's Action Party." This does not square with assessments of Singapore by international ratings agencies. The World Competitiveness Yearbook of 1996 ranked Singapore fourth in the world and best in Asia in terms of public confidence in the fair administration of justice. Similarly, on the rule of law, the Global Competitiveness Report 1996 ranked Singapore the best in Asia and eighth in the world.

In short, Lingle has made unrestrained allegations based on partial facts, mistruths, and fallacious arguments. His credibility and integrity as a scholar are therefore in question.

Jean Tan
First Secretary
Singapore Embassy
Washington, DC

Christopher Lingle responds: Ms. Tan suggests that "foreign banks in Singapore command a 40 percent share of resident non-bank deposits in Singapore." This deliberately obtuse statement overlooks my original point. Foreign banks cannot compete with domestic banks for accounts denominated in Singapore dollars, such as checking deposits used for domestic transactions. The deposits she refers to are denominated in international currencies.

The point of Ms. Tan's remarks about the role of the Monetary Authority is unclear. Indeed, most central banks act that way, and other countries do have mandatory pension schemes. That does not vindicate Singapore or undermine my argument. My point was to show that the government of Singapore has a more extensive hand in the economy than is suggested by the economic freedom ratings. Singapore's Central Provident Fund controls about 40 percent of total earnings, and there is no outside independent evaluation of how those funds are used.

The misleading impression of economic freedom in Singapore is based on treating the international sector differently from the domestic sector. For the most part, the rule of law is applied assiduously when the interests of international business are at stake. This provides a superficial impression for outsiders that all is well. However, the absence of individual and civil rights means that citizens have few freedoms. This dualism is supported by a lapdog legislature, compliant courts, and a muzzled media.

To defend my own claims, I can cite various organizations that specialize in assessing judicial proceedings (e.g., the New York Bar Association and various human rights organizations) who have criticized the arbitrary application of the law in Singapore.

In attempting to discredit my views, Ms. Tan impugns the integrity of some of Singapore's own institutions. I was hired by the National University of Singapore on the basis of my academic record, and was interviewed personally for my appointment by the former ambassador to the United States, Mr. S. R. Nathan. Apparently he found my credentials to be in order when he recommended that I be hired. My credibility and integrity were not challenged by anyone in Singapore's higher education community or its foreign service until I voiced my opinions about their repressive regime.

Campaign Chutzpah

By Ed Carson

Do as we mandate, not as we do. That apparently is the unofficial credo of the backers of the successful California Proposition 208, which sets strict new limits on campaign contributions. Following the election, the California Common Cause–led coalition invited lobbyists, most of whom opposed the measure, to a seminar explaining how Prop. 208 will actually work. The seminar costs $200—and the group is counting the fee as a campaign contribution.

And the Winner Is...

By Rick Henderson

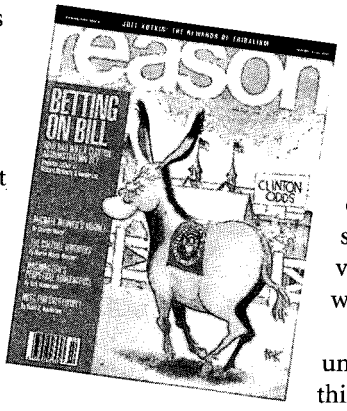
At the beginning of Bill Clinton's first term, three economists made a bet: Would the overall scope of government be larger or smaller at the end of the term than it was when George Bush left office? Benjamin Zycher, now the vice president for research at the Milken Institute for Job and Capital Formation, bet that the government—federal, state, and local—would grow as a percentage of gross domestic product; Richard McKenzie of the University of California, Irvine, and Dwight Lee of the University of Georgia, said it would shrink. Both sides made their cases in REASON, staking the honoraria they would receive for writing their articles. (See "White House Wager," February 1993.)

McKenzie and Lee argued that global market forces would preclude the type of government activism that the Clinton administration would try to impose. Restating the case they made in their 1991 book *Quicksilver Capital*, they said investment capital can now rapidly seek the highest rates of return anywhere on the planet. Countries can no longer increase taxes and regulations without being penalized on international capital markets. Clinton might try to ratchet government upward, but global forces would check him.

Zycher countered by saying that the fundamental strength of the American economy—just emerging from the 1990 recession—would allow Clinton to engage in regulatory mischief, and that the many debts he owed to Democratic interest groups would be repaid with new government programs.

McKenzie and Lee won. As a percentage of gross domestic product, the federal government is indeed smaller now than it was at the end of 1992. Federal spending absorbed about 22 percent of GDP in 1992; it's below 21 percent now.

Adding the estimated costs of regulations, along with state and local taxes, overall government burdens appear to be shrinking as well. Americans for Tax Reform's Cost of Government Day, the date on which the typical American has earned enough income to pay off the obligations imposed by governments, has moved up on the calendar, from July 18 in 1992 to July 3 last year.



"Things turned out precisely as we predicted," quips McKenzie. "In spite of Ben's scurrilous attack on our manhood and the weak defense of his position, we have once again shown quicksilver capital at work."

Zycher remains unconvinced. "I think I was right," says Zycher, "but I still owe them the money, and I intend to pay it."

Balance Sheet

By Rick Henderson

ASSETS

△

▲ Tyrannus Ex. Food and Drug Administration Commissioner David Kessler, Washington's most zealous opponent of individual liberty and innovation (breast implants, tobacco, health information, medical devices) resigns. Good riddance.

△

▲ Relief Pitches. While tax reform (i.e., a single-rate system) may be a nonstarter in the 105th Congress, tax relief seems likely. Rep. Chris Cox (R-Calif.) will again propose repealing the estate tax, a measure endorsed by the White House Conference on Small Business. Bill Clinton will also face relentless pressure for broad-based cuts in capital-gains tax rates rather than reductions targeted solely to home and small business owners.

△

▲ Current Wisdom. Reviewing 500 studies and 17 years of peer-reviewed research, the National Research Council concludes that exposure to electromagnetic fields does not cause cancer. (See "Shock Journalism," Jan. 1995.) The California Supreme Court also bars plaintiffs' attorneys from suing utilities for damage "caused" by EMFs. The court says the state Public Utility Commission has jurisdiction over lawsuits against utilities. The PUC has also found EMF exposure harmless.

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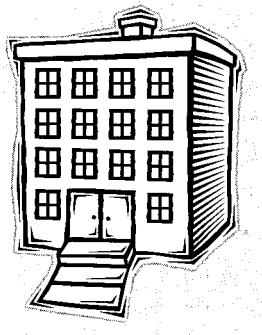


▲ Eviction Notice. New York's rent control laws, which affect some 1.2 million apartments in the Big Apple, head for the dumpster. State Senate Majority Leader Joseph L. Bruno (R-Brunswick) sends tenant advocates an ultimatum: Work with him to phase out rent control over the next two years or he'll let the laws sunset when they expire June 15.

Correspondence Course

By Nick Gillespie

Question: You have to send an eight-ounce letter or two-pound package overnight. Do you pick a) the service that charges $3.75 to $3.99 and is on time for close to 97 percent of deliveries, or b) the service that costs $10.75 to $15.00 and has a worse delivery performance?

When we're talking about the federal government, you

▼ Gag Rule. The Environmental Protection Agency's proposal to make the Clean Air Act tougher flunks any objective cost-benefit test. Lowering the acceptable ozone standard from 120 parts per billion to 80 would add $33 million a year in health benefits to Chicago residents but could cost an extra $7 *billion* to enforce, notes Kenneth W. Chilton of the Center for the Study of American Business.

▼ Inflated Claims. In 1979, GM warned then–National Highway Traffic Safety Administration Administrator Joan Claybrook that air bags could injure or kill children. The Ralph Nader disciple would have none of it. She forced auto makers to incorporate such "passive restraints" in new cars. NHTSA now says children might be safer if parents disconnected their air bags.

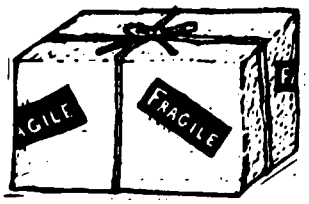
▼ Food Fright. Bureaucrats and population-control activists at the U.N.'s World Food Summit forecast mass starvation. Member nations respond by pledging $17 billion for population control. Yet birth rates are already falling, notes Alex Avery of the Hudson Institute. The problem, he writes in *The Washington Times*, isn't too many people but government policies that impede food production and distribution. Freer trade and broader use of modern farming techniques would avoid a genuine population crisis.

▼ The Impossibility of Socialism. After a crippling 12-day strike by truckers closes nearly half the nation's gas stations, the French government capitulates to union demands. The Chirac administration hoped to nominally reduce government pensions, but no—truck drivers can now retire at age 55 rather than 60. They'll also get a one-time bonus of $600. Look for other union shops to demand similar concessions.

LIABILITIES

might assume they'd pick *b*, especially since that's the United States Postal Service. But in a rare display of efficiency, the government's procurement arm, the General Services Administration, has signed a new six-year contract with Federal Express, the Memphis-based private mail carrier (the first contract was inked in 1990). The good news gets better, says the General Accounting Office in a recent report on "issues relevant to changing restrictions on private letter delivery": Under the new contract, FedEx's minimum rates have dropped to $3.45 for an overnight letter and $3.57 for a two-pound package.

The GAO points out that the Postal Service is partly a victim of the same laws that grant its monopoly on first-class letter delivery. The Private Express Statutes forbid the service from offering negotiated or volume rate discounts to individual customers. As a result, the Postal Service corners less than 15 percent of the lucrative market in overnight letters and packages.



Fisherman Felonies Deep-Sixed

By Mick Kronman

A federal jury in San Jose, California, ruled November 5 that Jim Blaes, a Morro Bay salmon fisherman who refused to allow armed Coast Guardsmen aboard his boat for an at-sea safety inspection last May, broke the law but did not pose a threat to the Coast Guardsmen's lives. (See "Fishing Expeditions," December.) Sentencing on misdemeanor charges of interfering with and impeding the boarding is scheduled for early February. Blaes's lawyer, David Hollingsworth, will seek probation for his client, who has no prior criminal convictions.

Blaes and Hollingsworth said they were happy with the verdict, because the jury, after a three-day trial, chose not to convict the fisherman of felonies. "Was it a victory? Hell yes, it was a victory," says Hollingsworth. "There was no question Mr. Blaes broke the law. I even asked the jury to convict him of those charges. But he never used force, nor was he in position to threaten the safety of the boarding party. Even when he appeared from the cabin with a holstered gun, he was too far from the boarding party or the Coast Guard cutter to do any harm."

Federal prosecutor Carlos Singh had argued for felony convictions, noting that Blaes said the boarding would take place "over [his] dead body" and repeatedly referred to Ruby Ridge and Waco—locations where federal officers ▶

SOURCES

You can get computer access to the Department of Justice's annual ***Sourcebook of Criminal Justice Statistics*** at *http://www.albany.edu/sourcebook/*. The site features more than 600 tables, with an annotated bibliography of sources, covering such topics as what kind of, how many, and where crimes are being committed; the characteristics and distribution of arrested suspects; prison populations by place and type; and court processing of defendants.

"There is a widespread feeling among many young people that we should not be aggressive in controlling marijuana. I sympathize with some of their concerns because, in a democracy, it's very difficult for the criminal justice system to control behavior that large numbers of otherwise law-abiding individuals believe they have a right to engage in. But these same people tend to be very aggressive about urging broad gun controls. I try to get them to think about this principle by characterizing guns as the 'marijuana of the right.' Both sides have to recognize the need to limit the scope of the criminal law. ...[L]arge numbers of otherwise law-abiding people believe they have a right to carry a gun, that they are not causing any harm with it, and they oppose gun bans. That is the parallel between older people's view of gun laws and young people's view of marijuana laws."
—Interview with Carnegie-Mellon criminologist Alfred Blumstein, *The Drug Policy Letter*, Summer 1996, published by The Drug Policy Foundation, 4455 Connecticut Ave., NW, Suite B-500, Washington, DC 20008-2302, (202) 537-5005, dpletter@dpf.org

BRICKBATS

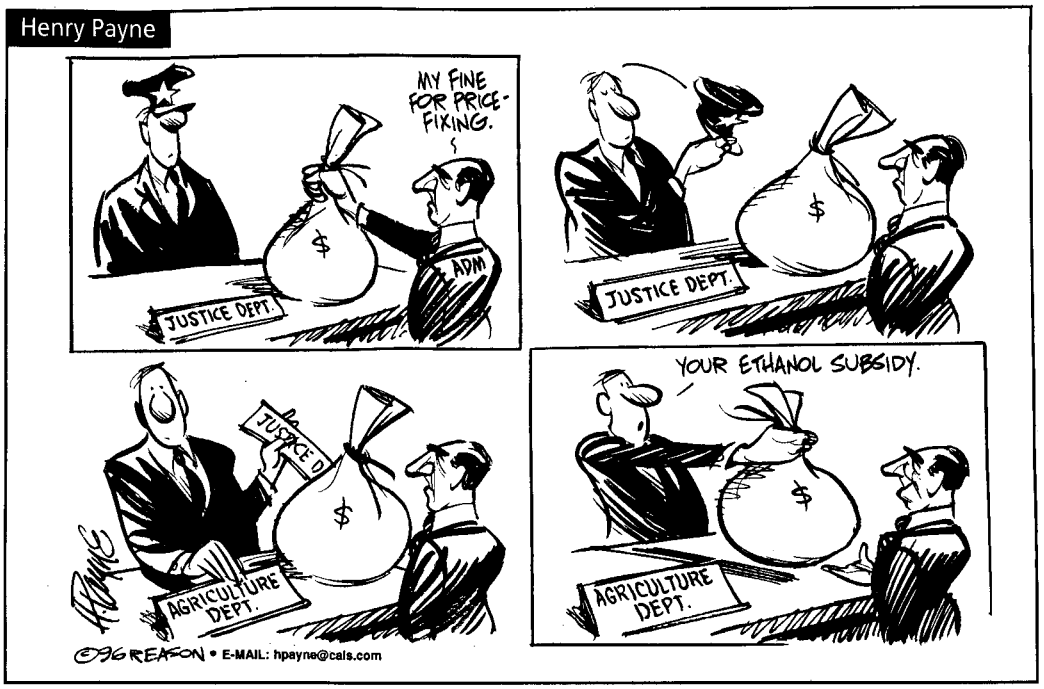
◆ Little noticed in President Clinton's anti-smoking initiatives is a call to use kids as law-enforcement tools. To qualify for federal funds, states must use minors in sting operations to catch merchants who sell tobacco products to the underaged. The feds say this won't put kids in any danger.

◆ The government of the Malaysian state Selangor is doing its best to promote family values by ordering karaoke bars to close at 11 p.m. Seems many husbands were staying out all night at these establishments rather than going home to their wives. This supposedly leads to quarrels when the husbands do make it home. The curfew will remain in place as long as the government "is responsible for avoiding confrontations in the bedroom."

◆ In Somalia, the top court of the government that controls the northern half of the country has banned pornographic films and dancing, and ordered clean-shaven men to grow beards. So that's what happened to Robert Bork....

◆ There's a hot new tourist attraction in Dallas that's lining up customers. For just $25 you can ride in an open-top limousine making its way through Dealey Plaza. When you pass by the Texas School Book Depository you'll hear the crack of recorded rifle fire, then the limo will speed up and roar toward Parkland Memorial Hospital. In case you don't get it, the trip is a recreation of the assassination of John F. Kennedy. Many in Dallas aren't happy about the venture. ▶

Henry Payne



killed barricaded political or religious holdouts. Jury members, says Singh, told him "either Blaes or the Guardsmen would have had to brandish and point their weapons at one another for there to have been a threat to life. We thought the threat was obvious. The jury did not."

The jurors, claims Blaes, "sympathized with fishermen who are repeatedly subjected to nuisance boardings, despite the fact that I broke the law." The jury foreman, he notes, "even gave [me] a thumbs-up sign as he was leaving court." Despite Blaes's contention that Fourth Amendment protections of the Constitution prohibit warrantless searches like those routinely undertaken by the Coast Guard, this claim was not part of his defense. The Coast Guard's authority to board vessels at sea to conduct safety, fishery, or document inspections has been consistently supported by the courts.

U.S. COAST GUARD

The issue of at-sea boardings dramatized by Blaes's trial remains unresolved. "I hope fishermen press Congress for some policy changes that reduce the number of random safety boardings they endure, plus change the attitude of boarding parties," Blaes says. "I'm willing to work with the Coast Guard or any other parties interested in pursuing that goal."

Libertarians Elect Democrat?

By Rick Henderson

For the second consecutive election a Libertarian Party candidate denied both major-party nominees a majority in Georgia's U.S. Senate race.

In 1992, Libertarian Jim Hudson received 60,000 votes, around 3 percent of those cast—enough to withhold victory from Democratic incumbent Wyche Fowler and his Republican challenger, Paul Coverdell. Even though Fowler led after the general election, state law required a runoff, which Coverdell, with Libertarian support, won by 16,000 votes.

After Coverdell's election the Democrat-controlled legislature reduced the threshold for triggering a runoff. The top candidate can now win in the general election with 45 percent of the vote rather than 50 percent.

This time Libertarian Jack Cashin's 82,000 votes may have cost Republican Guy Millner the seat of retiring Sen. Sam Nunn. The race between millionaire businessman Millner, who almost won the race for governor in 1994, and Georgia Secretary of State Max Cleland was nasty and personal.

Cashin, a 71-year-old horse farmer, portrayed himself as the moderate in the race, arguing that Cleland was a left-wing extremist and

Millner was in hock to the religious right. In the only statewide debate featuring the three candidates, Cashin said he was "embarrassed" by the tone of the campaign. Cashin ended up denying both Cleland and Millner a majority on election day: Cleland got 48.8 percent of the vote, Millner 47.6. Since Cleland received more than 45 percent, however, he avoided a runoff.

Libertarian voters may have cost Millner the race—suggesting that the two major parties may need to make more explicit overtures to those voters in the future. Coverdell, former Republican Sen. Mack Mattingly, and state L.P. Executive Director Audrey Goldstein all told the *Chattanooga Free Press* that most of Cashin's voters would have supported Millner had the L.P. not been on the ballot. Even Goldstein admitted that, in a two-way race, she would have voted for Millner.

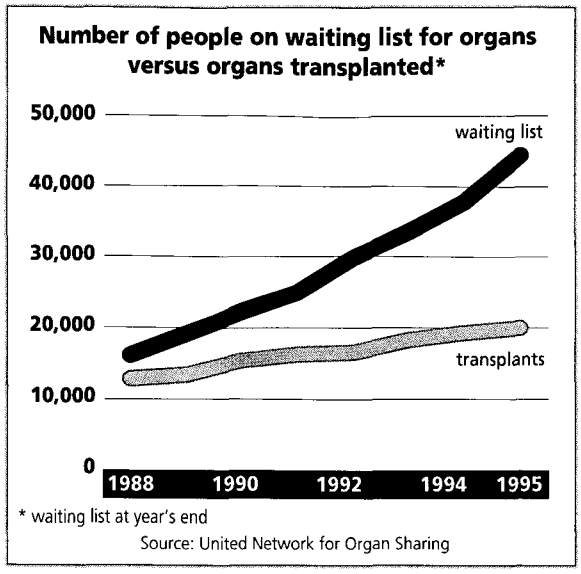
DATA

Hey Buddy, Can You Spare a Liver?

By Ed Carson

People with chronic liver disease, often caused by heavy drinking, will no longer be at the front of the line for a new liver. Not that they aren't in desperate need of a replacement, but the Richmond, Virginia–based United Network for Organ Sharing has decided that recipients who have a better chance of surviving deserve higher priority.

UNOS says it had to do it: There are simply not enough donated livers, or other organs, to go around. And the problem is getting worse. At the end of 1988, 16,026 people were on the waiting list, with 12,786 organs donated. In 1995, 20,006 organs were donated, but the waiting list was 44,057 at the end of the year. It now stands at over 49,000. The tragic result: 3,448 Americans died in 1995 while on the waiting list. The actual number of deaths could be far higher, because transplant centers set increasingly stringent standards even to get on the waiting list.

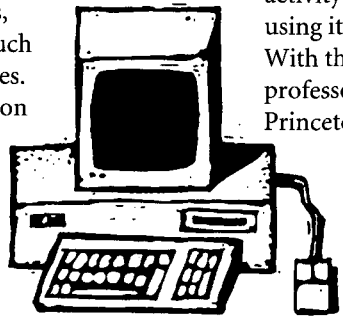


The National Organ Transplant Act of 1984 prohibits the purchase or sale of human organs. Without that law, paying organ donors (or their survivors) would encourage more organ donations and help close the deadly gap.

Internet Responsibility

By Brian Doherty

Who's responsible for what happens on the Internet? Princeton University recently tried to forbid its students and professors from using their Princeton e-mail or Web pages to send partisan political messages. The private university said it feared for its 501(c)3 nonprofit status, which forbids such political messages.



After Princeton warned its users to pass on the politicking, the American Civil Liberties Union reminded the school that under New Jersey Supreme Court precedent, even private institutions are bound to respect the state constitution's free speech guarantees. The university backed down. The idea that Princeton's nonprofit status was in danger, says ACLU lawyer David Rocah, is "ridiculous. That's not the law, it can't be, and it never will be. The law prevents the university itself from indulging in political activity, not others using its property. With their logic, a professor using a Princeton phone in a Princeton office couldn't talk about who to vote for."

Princeton will now merely demand that such personal political opinion be clearly marked as that of the sender, not the university. Other universities have also tried to restrict their Internet users in ways that the ACLU thinks smack of censorship, including restricting access to certain Usenet groups that are considered obscene. A University of Oklahoma professor is challenging that school's policy of Usenet restriction, and the ACLU has advised Carnegie-Mellon to drop a similar policy.

Truth in Advertising

By Ed Carson

Some people forget that the *A* in BATF stands for Alcohol. The Bureau of Alcohol, Tobacco, and Firearms doesn't.

For years the evidence that one or two drinks a day can be good for you has mounted. In 1996, the Federal Dietary Guidelines finally conceded that "moderate drinking is associated with a lower risk for coronary heart disease." But the BATF continues to bar beer, wine, and liquor companies from making truthful statements about the medical benefits of moderate alcohol

BRICKBATS

♦ Mothers Against Drunk Driving has demanded that Anheuser-Busch yank ads featuring bullfrog characters because a large percentage of children tell pollsters they recognize the characters. MADD calls the frogs the Joe Camels of beer ads.

♦ A Chippewa Indian leader in Wisconsin has been charged with fondling women during spiritual ceremonies. The accused says that the touching was part of the ceremony and that the women consented to it.

♦ Ronald McDonald is suing McDonald's. Well, sort of. A Scotsman by that name has threatened to sue the firm if it doesn't change its name. He says that it hurts his image and the image of all the other McDonalds in the world. "I wish to register a complaint about my name being commandeered by a clown," he explained.

♦ Call them zombie bases. San Diego's Naval Training Center is due to be closed next year. The Army's Fort Sheridan, near Chicago, officially closed three years ago. But the Pentagon continues to spend millions of dollars for new construction or renovation on these and other bases that have been closed or are soon to be closed. The Pentagon explains that its hands are tied because contracts for construction for the bases were made before they were put on the closing list. In any event, they don't want to leave any building standing around half finished.

♦ A new audit reveals that the government of France has $500 million in unpaid, overdue phone bills. ▶

Scott Stantis

consumption on labels and in advertisements.

So the Competitive Enterprise Institute and Consumer Alert have filed suit to force the agency to permit makers of alcoholic beverages to tell the truth. "Although the First Amendment doesn't mention ATF by name, we've got a hunch it applies to them as well," says CEI's General Counsel Sam Kazman.

But Kazman says the case is about more than upholding the First Amendment. Most Americans have no idea that alcohol can have health benefits. CEI conducted a poll of 1,000 registered voters in late October and learned that only 41.7 percent know wine has health benefits. Just one in 10 know this is true for beer and liquor as well.

Sweet Nightmares

By Jacob Sullum

The Cancer Scare of the Month for November was a classic that first appeared on the charts in the '70s: aspartame, a.k.a. Nutrasweet. Back then, one study found that rats who were fed huge doses of the artificial sweetener developed more brain tumors than a control group. The results were never replicated, and extensive research indicated that aspartame, which the body breaks down into components that are present in many foods, is safe at the levels anyone could reasonably be expected to consume. In 1981 the Food and Drug Administration approved the use of aspartame in dry foods; aspartame-sweetened soda got the nod in 1983.

Now Dr. John Olney, a Washington University neuropathologist and longtime opponent of aspartame, is citing a 10 percent increase in the U.S. brain cancer rate between 1984 and 1985 as evidence that the FDA made a mistake. "Compared to other environmental factors, aspartame appears to be a promising candidate for explaining the surge in brain tumors in the mid-1980s," he and three colleagues wrote in the November *Journal of Neuropathology and Experimental Neurology*. "Although our analysis does not establish definitive proof of a causal link...it does indicate the need for a reassessment of the carcinogenic potential of this agent."

Predictably, the study led to alarming headlines and sweeps-week TV news stories, calls from consumer groups for more research, and warnings to keep aspartame away from children.

But as FDA officials and other critics of the study soon demonstrated, the cloud consists mainly of hot air. The critics noted that the incidence of brain cancer began rising in 1973, years before aspartame was approved, and the increase was due almost entirely to cases in people over 65, who are not major

ARTIFACT

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Model Citizens?

Leftoid cultural critics obsessed with "strategies of corporate control" must view the recent video release of Disney's *Toy Story* with knowing disdain. It seems to corroborate what social theorists Theodor Adorno and Max Horkheimer said about an earlier Disney product: "Donald Duck in the cartoons...[gets his] thrashing so that the audience can learn to take their own punishment."

Toy Story could indeed be seen as a fable designed to gull consumers into following corporate rules. The movie's villain is Sid, a kid who creates "mutant" playthings by rearranging dolls and toys into weird combinations and, on occasion, blowing them up. One of *Toy Story*'s climactic scenes comes when the toys surround Sid and enforce the will of their corporate masters: "From now on, you must take good care of your toys," hisses "Sheriff" Woody. "If you don't, we'll find out, Sid....So play nice!"

But *Toy Story* subverts such a message. By presenting Sid's acts of defiant creativity, the movie plants similar seeds in viewers' minds. Protagonists Woody and Buzz save themselves by employing a radio-controlled car and a bottle rocket in non-manufacturer-intended ways (the rocket even has a warning label). And *Toy Story*'s computer-generated animation technology is itself new. The movie actually exhorts its audience to think creatively. Throw in two shadows lurking behind the film—Walt Disney and Pixar's Steve (Apple) Jobs—and the point is confirmed: *Toy Story* embodies precisely the sort of invention and innovation that *undermines* established corporate power. Any other view is just leftist quacking.

—Nick Gillespie

consumers of the sweetener. The trend leveled off after 1985, even while aspartame consumption was rising, and the rate actually dropped slightly from 1991 to 1993. Harvard epidemiologist Dimitrios Trichopoulos called Olney's argument "misleading" and "preposterous," noting that it hinges on "two biologically indefensible assumptions: that a certain factor (aspartame) could cause a solid tumor (brain cancer) with a latency period of less than four years and that subsequent widespread exposure to the factor would cause no further increase in the incidence of that cancer."

Mail It In

By Ed Carson

Once again, Americans set a record low for voter turnout in November. And thanks to high absentee voting, dozens of key races were left in limbo for days or weeks after the election. But there's a solution: vote-by-mail.

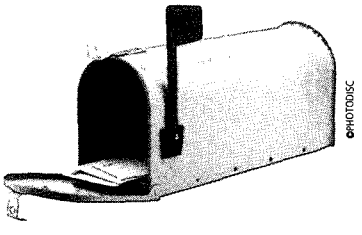
In many Oregon elections, there are no polling places. Instead, all registered voters receive ballots in advance and have three weeks to mail them back. Unlike absentee ballots, vote-by-mail returns are counted on election night.

Mail-in voting reverses the much-lamented trend of falling voter turnout—an astonishing 68 percent of registered voters participated in Oregon's special U.S. Senate election last January. Past special elections were lucky to get half that number.

"Oregonians like it because it's convenient and lets them take time to go over these megaballots," says Oregon Secretary of State Phil Keisling, a strong supporter of vote-by-mail.

Vote-by-mail has other advantages. Keisling estimates that the state could have saved $1.2 million if the vote had been entirely by mail, nearly $1.00 per vote. The reform also gives the public some relief from the barrage of campaign TV ads. As election day nears, most folks have already mailed in their ballots, so TV ads aren't cost-effective. Instead, campaigns each day ask the county clerks who hasn't voted, then use phone banks or mailings for direct appeals.

But vote-by-mail wasn't an option this November. Gov. John Kitzhaber vetoed a bill that would have expanded the new system to all elections. So voters did the next best thing and voted absentee. A record 650,000 Oregonians cast absentee ballots this election, just under half of all votes cast in the state. Kitzhaber now says he will probably sign the bill, if he gets another opportunity.



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Drug Control Panels

By Jacob Sullum

A task force appointed by the New York County Lawyers' Association has condemned the war on drugs, calling for "a dramatic shift in thinking and approach." Its report, prepared by a 42-member panel of judges, legislators, attorneys, physicians, educators, and scholars, says the current penal model of drug control should be replaced with a "public health" approach that seeks to reduce the harm caused by prohibition as well as the harm caused by drug use. The report's recommendations include decriminalization of marijuana, elimination of mandatory minimum sentences, early re- ▶

BRICKBATS

◆ Stephanie Honore is a 17-year-old with some big concerns. She has repeatedly written President Clinton expressing her worries over AIDS, education, animal rights, and the environment. Clinton never answered. So each letter from the caring youngster became increasingly hostile. Finally, she threatened to blow up the White House. That got a response...from the Secret Service.

—Charles Oliver

QUOTES

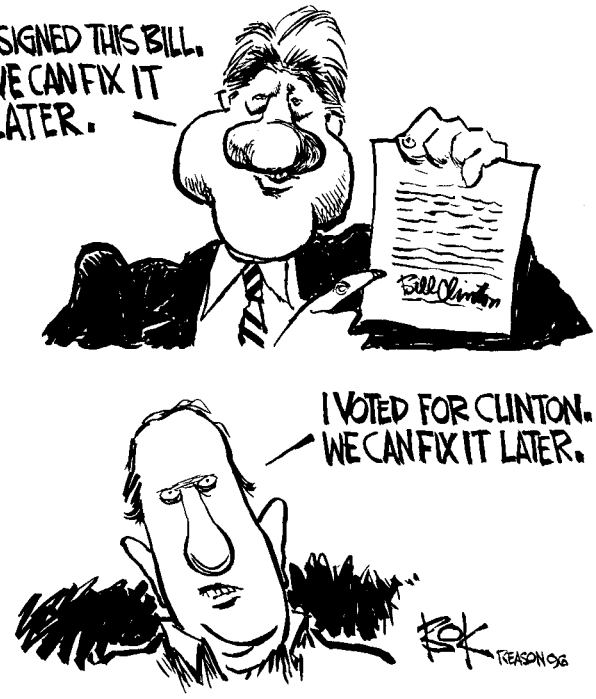
"We're fat-cat Republicans, and we vote socialism in that room, and we've done it for years. It's one of the things that made the NFL great."

—Art Modell, owner of the NFL's Baltimore Ravens (formerly the Cleveland Browns), on football's revenue-sharing agreements

"The remedy is simple. The Government must get out of the 'protective' business and the 'subsidy' business and the 'improvement' and the 'development' business. It must let trade, and commerce, and manufactures, and steamboats, and railroads, and telegraphs alone. It cannot touch them without breeding corruption."

—Edwin Lawrence Godkin, editor of *The Nation* (1873), writing in the wake of the Credit Mobilier scandal

Chip Bok



lease of nonviolent drug offenders, alternatives to incarceration, and expansion of needle exchange programs. It also calls for "state and federal bipartisan interdisciplinary commissions to make proposals for drug law reform." (The report is available at http://www.drcnet.org/nycla.html on the World Wide Web.)

Not in Service

By Ed Carson

Just about everybody loves the convenience of automated teller machines. ATMs are fast, they're everywhere, and they're always open.

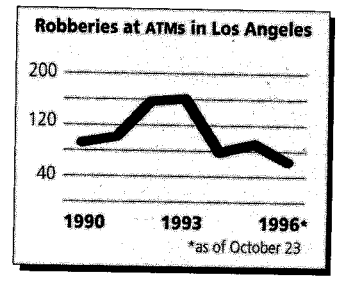
But Los Angeles City Councilman Mark Ridley-Thomas believes they are too dangerous to be open at night. Following three highly publicized murders at L.A.-area ATMs committed in a two-month period, Ridley-Thomas introduced a proposal that would impose a dusk-to-dawn curfew on all ATMs in the city.

L.A. City Attorney James Hahn has endorsed Ridley-Thomas's proposal, but several councilmen have been sharply critical of the idea. "It's asinine. We as a city can't dictate to people what they can and cannot do," says Councilman Richard Alatorre.

Not according to Ridley-Thomas. He says public safety takes precedence over public convenience: "Convenience can never be elevated to the status of a right."

But even from the standpoint of public safety, many critics say the ATM curfew is a bad idea. People could be left stranded with no way to get money for a taxi, or they might carry more cash than they need, just in case.

ATMs have never been a serious hazard, and are safer than ever before. According to a study by the California Bankers Association, crime at ATMs fell dramatically between 1992 to 1995, from a peak of 499 reported incidents in 1992 to 261. That's one attack for every 2.5 million transactions. In Los Angeles, ATM robberies have dropped even more precipitously, from 158 in 1993 to 63 through October 23, 1996.



Banks and police credit this decline largely to tighter security measures at ATM locations, such as cameras and better lighting, and to the rising number of ATMs in supermarkets.

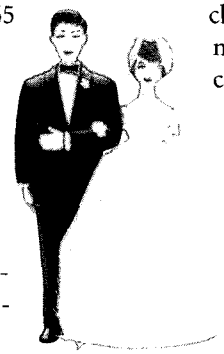
Fewer Guns, More Babies

By Nick Gillespie

Why has the rate of illegitimate births exploded in an age of readily available birth control? In the United States, between 1960 and 1995, illegitimate births soared from about 5 percent of all live births to 32 percent. Brookings Institution Senior Fellow George Akerlof and

Federal Reserve Governor Janet Yellen argue that the real cause of the rise in illegitmacy is the decline of the shotgun marriage.

Akerlof and Yellen originally published their research in the May 1996 *Quarterly Journal of Economics*; a more reader-friendly version appears in the fall issue of the *Brookings Review*. Akerlof and Yellen estimate that "about 75 percent of the increase in the white out-of-wedlock first-birth rate, and about 60 percent of the black increase between 1965 and 1990, is directly attributable to the decline in shotgun marriages"—vows exchanged only after the woman was pregnant. Prior to around 1970, they argue, the stigma of unwed motherhood effectively prevented women from engaging in sex without a promise of marriage if a pregnancy resulted. "Men were willing to make (and keep) that promise, for they knew that in leaving one woman they would be unlikely to find another who would not make the same demand," they write.



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Birth control, legalized abortion, and federal welfare benefits, however, changed the equation, say the authors. As bringing a pregnancy to term became a "physical choice" for the mother, marriage and child support became a "social choice" for the father. Akerlof and Yellen don't argue for limiting abortion or contraception; they also are against cutting welfare benefits to unwed mothers on the grounds it would "only further immiserize" children. Instead, they suggest tougher and better-enforced child-support laws, including a tax on men who father illegitimate children.

Big Burden, Little Burden

By Brian Doherty

Leftist historian Gabriel Kolko provided evidentiary grist for libertarians with his 1963 book *The Triumph of Conservatism*, about how Progressive Era legislation was not so much government attempting to curb big business as it was big business attempting to consolidate its position against small competitors, who are less able to handle the costs of regulation.

A new analysis of regulatory costs from the Center for the Study of American Business at Washington University in St. Louis shows that regulations still disproportionately hit small business relative to big competitors. Study author Thomas Hopkins breaks down the per-employee costs of such regulatory areas as environmental and risk reduction, price and entry controls, and paperwork for the representative year 1992. Per-employee costs together are nearly twice as large for the smallest (less than 20 employees) firms as for those with over 500 employees.

Cost of All Federal Regulations for Firms, 1992

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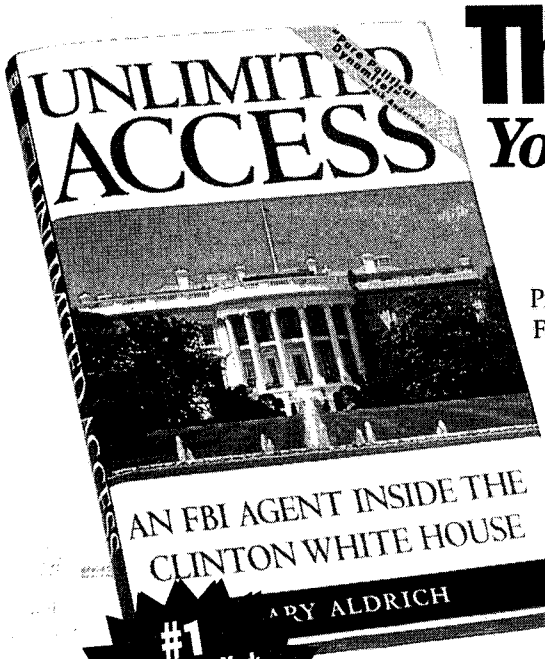

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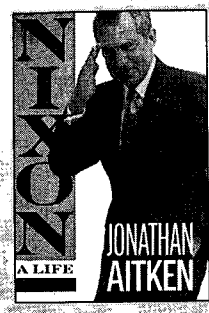

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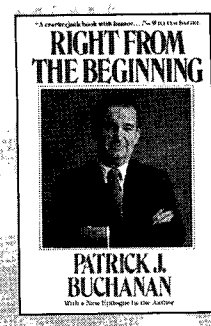

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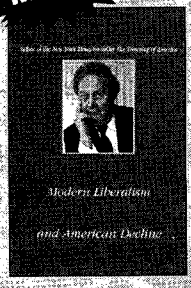

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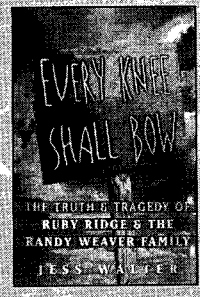

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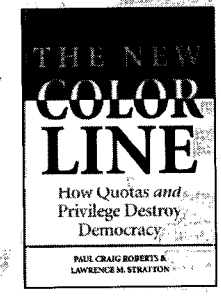

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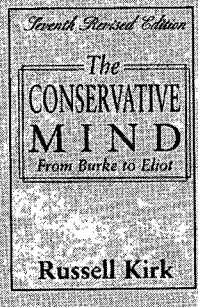

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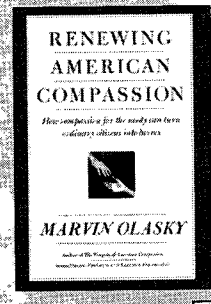

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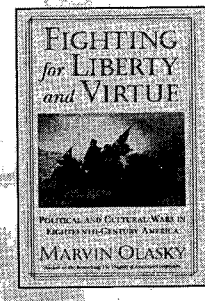

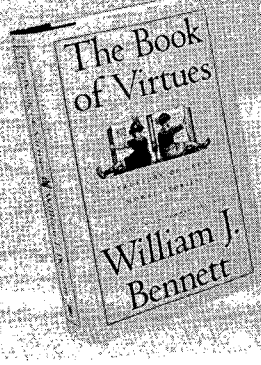

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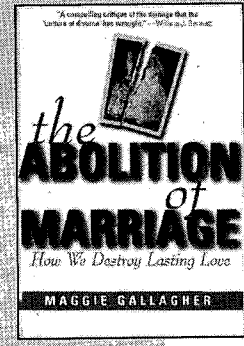

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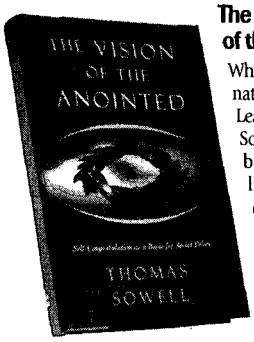

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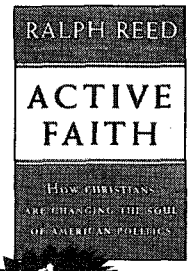

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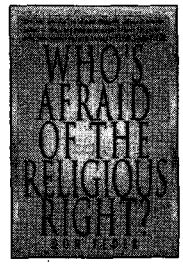

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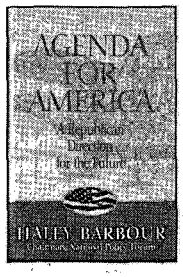

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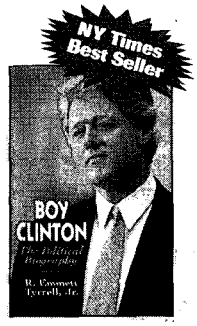

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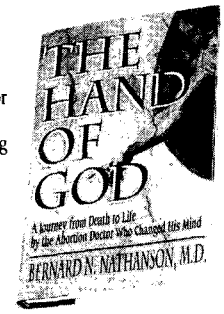

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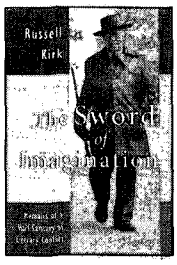

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Assimilation, American Style

Universalist ideals, capitalism, a plethora of associations, and a love of progress are the secrets to interethnic amity.

By Peter D. Salins

California Chinese, Boston Irish, Wisconsin Germans, yes, and Alabama Negroes, have more in common than they have apart....It is a fact that Americans from all sections and of all racial extractions are more alike than the Welsh are like the English, the Lancashireman like the Cockney, or for that matter the Lowland Scot like the Highlander.

—John Steinbeck, 1962

Most Americans, both those who favor and those who oppose assimilation, believe that for immigrants to assimilate, they must abandon their original cultural attributes and conform entirely to the behaviors and customs of the majority of the native-born population. In the terminology of the armed forces, this represents a model of "up or out": Either immigrants bring themselves "up" to native cultural standards, or they are doomed to live "out" of the charmed circle of the national culture.

The notion is not entirely far-fetched because this is exactly what assimilation demands in other societies. North African immigrants to France are, for example, expected to assimilate by abandoning their native folkways with alacrity. Official French policy has been zealous in making North African and other Muslim women give up wearing their *chadors* and, in the schools, instilling a disdain for North African and Muslim culture in their children. To varying degrees, most European countries that have had to absorb large numbers of immigrants since World War II interpret assimilation this way—an interpretation that has promoted national and ethnic disunity.

In America, however, assimilation has not meant repudiating immigrant culture. Assimilation, American style has always been much more flexible and accommodating and, consequently, much more effective in achieving its purpose—to allow the United States to preserve its "national unity in the face of the influx of hordes of persons of scores of different nationalities," in the words of the sociologist Henry Fairchild.

A popular way of getting hold of the assimilation idea has been to use a metaphor, and by far the most popular metaphor has been that of the "melting pot," a term introduced in Israel Zangwill's 1908 play of that name: "There she lies, the great Melting-Pot—Listen! Can't you hear the roaring and the bubbling?...Ah, what a stirring and a seething! Celt and Latin, Slav and Teuton, Greek and Syrian, black and yellow...Jew and Gentile....East and West, and North and South, the palm and the pine, the pole and the equator, the crescent and the cross—how the great Alchemist melts and fuses them with his purifying flame! Here shall they all unite to build the Republic of Man and the Kingdom of God."

For all its somewhat ahistorical idealism, the melting-pot metaphor still represents the standard around which fervent proponents of assimilation have rallied over the years. According to the melting-pot metaphor, assimilation involved the fine-grained intermingling of diverse ethnicities and cultures into a single national "alloy." If taken literally, this metaphor implied two things. The point most commonly taken is that the new human products of the melting pot would, of necessity, be culturally indistinguishable. Presumably every piece of metal taken from a melting pot should have the same chemical composition. Less frequently understood is the metaphor's implication that natives and their indigenous cultural characteristics would also be irreversibly changed—blended beyond recognition—because they

ULLI STELTZER

constituted the base material of the melting pot.

These two corollaries of the melting-pot metaphor have long invited criticism by those who thought they were inconsistent with the ethnic realities of American society. Critics of the metaphor have spanned the ideological spectrum and mounted several different lines of attack on it. Empiricists submitted evidence that the melting pot wasn't working as predicted and concluded, as did Nathan Glazer and Daniel Patrick Moynihan in *Beyond the Melting Pot* (1963), "The point about the melting pot...is that it did not happen." Other critics rejected the second corollary of the metaphor—that natives were changed by it, too—and saw no reason that native Americans should give up any part of their cultural attributes to "melt" into the alloy. If true assimilation were to occur, the criticism went, immigrants would have to abandon all their cultural baggage and conform to American ways. It is the immigrant, said Fairchild, representing the views of many Americans, "who must undergo the entire transformation; the true member of the American nationality is not called upon to change in the least."

A third strain of criticism was first voiced by sociologist Horace Kallen in the early part of this century. Among the most prolific American scholars of ethnicity, Kallen argued that it was not only unrealistic but cruel and harmful to force new immigrants to shed their familiar, lifelong cultural attributes as the price of admission to American society. In place of the melting pot, he called for "cultural pluralism." In Kallen's words, national policy should "seek to provide conditions under which each [group] might attain the cultural perfection that is proper to its kind."

Kallen introduced the concept in 1916, only eight years after publication of Zangwill's *The Melting Pot*, determined to challenge that work's premises. Cultural pluralism rejects melting-pot assimilationism not on empirical grounds, but on ideological ones. Kallen and his followers believed that immigrants to the United States should not "melt" into a common national ethnic alloy but, rather, should steadfastly hang on to their cultural ethnicity and band together for social and political purposes even after generations of residence in the United States. As such, cultural pluralism is not an alternative theory of assimilation; it is a theory opposed to assimilation.

Cultural pluralism is, in fact, the philosophical antecedent of modern multiculturalism—what I call "ethnic federalism": official recognition of distinct, essentially fixed ethnic groups and the doling out of resources based on membership in an ethnic group. Ethnic federalism explicitly rejects the notion of a transcendent American identity, the old idea that out of ethnic diversity there would emerge a single, culturally unified people. Instead, the United States is to be viewed as a vast ethnic federation—Canada's Anglo-French arrangement, raised to the *n*th power. Viewing ethnic Americans as members of a federation rather than a union, ethnic federalism, a.k.a. multiculturalism, asserts that ethnic Americans have the right to proportional representation in matters of power and privilege, the right to demand that their "native" culture and putative ethnic ancestors be accorded recognition and respect, and the right to function in their "native" language (even if it is not the language of their birth or they never learned to speak it), not just at home but in the public realm.

Ethnic federalism is at all times an ideology of ethnic grievance and inevitably leads to and justifies ethnic conflict. All the nations that have ever embraced it, from Yugoslavia to Lebanon, from Belgium to Canada, have had to live with perpetual ethnic discord.

Kallen's views, however, stop significantly short of contemporary multiculturalism in their demands on the larger "native" American society. For Kallen, cultural pluralism was a defensive strategy for "unassimilable" immigrant ethnic groups that required no accommodation by the larger society. Contemporary multiculturalists, on the other hand, by making cultural pluralism the basis of ethnic federalism, demand certain ethnic rights and concessions. By emphasizing the failure of assimilation, multiculturalists hope to provide intellectual and political support for their policies.

The multiculturalists' rejection of the melting pot idea is seen in the metaphors they propose in its place. Civil rights activist Jesse Jackson suggested that Americans are members of a "rainbow coalition." Former New York Mayor David Dinkins saw his constituents constituting a "gorgeous mosaic." Former Congresswoman Shirley Chisholm characterized America's ethnic groups as being like ingredients in a "salad bowl." Barbara Jordan, recent chairperson of the U.S. Commission on Immigration Reform, said: "We are more than a melting-pot; we are a kaleidoscope."

These counter-metaphors all share a common premise: that ethnic groups in the United States may live side by side harmoniously, but on two conditions that overturn both assumptions of the melting-pot metaphor. First, immigrants (and black Americans) should never have to (or maybe should not even want to) give up any of their original cultural attributes. And second, there never can or will be a single unified national identity that all Americans can relate to. These two principles are the foundations of cultural pluralism, the antithesis of assimilationism.

While all these metaphors—including the melting pot—are colorful ways of representing assimilation, they don't go far in giving one an accurate understanding of what assimilation is really about. For example, across the ideological spectrum, they all invoke some external, impersonal assimilating agent. Who, exactly, is the "great alchemist" of the melting pot? What force tosses the salad or pieces together the mosaic? By picturing assimilation as an impersonal, automatic process and thus placing it beyond analysis, the metaphors fail to illuminate its most important secrets. Assimilation, if it is to succeed, must be a voluntary process, by both the assimilating immigrants and the assimilated-to natives. Assimilation is a human accommodation, not a mechanical production.

The metaphors also mislead as to the purposes of assimilation. The melting pot is supposed to turn out an undifferentiated alloy—a uniform, ethnically neutral, American protoperson. Critics have long pointed out that this idea is far-fetched.

But is it even desirable? And if it is desirable, does it really foster a shared national identity? The greatest failing of the melting-pot metaphor is that it overreaches. It exaggerates the degree to which immigrants' ethnicity is likely to be extinguished by exposure to American society and it exaggerates the need to extinguish ethnicity. By being too compelling, too idealistic, the melting-pot idea has inadvertently helped to discredit the very assimilation paradigm it was meant to celebrate.

On the other hand, behind their unexceptionable blandness, the antithetical cultural pluralist metaphors are profoundly insidious. By suggesting that the product of assimilation is mere ethnic coexistence without integration, they undermine the objectives of assimilation, even if they appear more realistic. Is assimilation only about diverse ethnic groups sharing the same national space? That much can be said for any multiethnic society. If the ethnic greens of the salad or the fragments of the mosaic do not interact and identify with each other, no meaningful assimilation is taking place.

Perhaps a new assimilation metaphor should be introduced—one that depends not on a mechanical process like the melting pot but on human dynamics. Assimilation might be viewed as more akin to religious conversion than anything else. In the terms of this metaphor, the immigrant is the convert, American society is the religious order being joined, and assimilation is the process by which the conversion takes place. Just as there are many motives for people to immigrate, so are there many motives for them to change their religion: spiritual, practical (marrying a person of another faith), and materialistic (joining some churches can lead to jobs or subsidized housing). But whatever the motivation, conversion usually involves the consistent application of certain principles. Conversion is a mutual decision requiring affirmation by both the convert and the religious order he or she wishes to join. Converts are expected in most (but not all) cases to renounce their old religions. But converts do not have to change their behavior in any respects other than those that relate to the new religion. They are expected only to believe in its theological principles, observe its rituals and holidays, and live by its moral precepts. Beyond that, they can be rich or poor, practice any trade, pursue any avocational interests, and have any racial or other personal attributes. Once they undergo conversion, they are eagerly welcomed into the fellowship of believers. They have become part of "us" rather than "them." This is undoubtedly what writer G. K. Chesterton had in mind when he said: "America is a nation with the soul of a church."

In the end, however, no metaphor can do justice to the achievements and principles of assimilation, American style. As numerous sociologists have shown, assimilation is not a single event, but a process. In 1930 Robert Park observed, "Assimilation is the name given to the process or processes by which peoples of diverse racial origins and different cultural heritages, occupying a common territory, achieve a cultural solidarity sufficient at least to sustain a national existence." More recently, Richard Alba defined assimilation as "long-term processes that have whittled away at the social foundations of ethnic distinctions." But assimilation is more complex than that because it is a process of numerous dimensions. Not all immigrants and ethnic groups assimilate in exactly the same way or at the same speed. In *Assimilation in American Life* (1964), Milton Gordon suggested that there is a typology, or hierarchy, of assimilation, thus capturing some of the key steps that immigrants and ethnic groups go through as their assimilation—their cultural solidarity with native-born Americans, in Park's words—becomes more complete.

First, and perhaps foremost, natives and immigrants must accord each other *legitimacy*. That is, each group must believe the other has a legitimate right to be in the United States and that its members are entitled to pursue, by all legal means, their livelihood and happiness as they see fit. Second, immigrants must have *competence* to function effectively in American workplaces and in all the normal American social settings. Immigrants are expected to seize economic opportunities and to participate, at some level, in the social life of American society, and natives must not get in their way. Third, immigrants must be encouraged to exercise *civic responsibility*, minimally by being law-abiding members of American society, respectful of their fellow citizens, and optimally as active participants in the political process. Fourth, and most essential, immigrants must *identify themselves as Americans*, placing that identification ahead of any associated with their birthplace or ethnic homeland, and their willingness to do so must be reciprocated by the warm embrace of native Americans.

The melting-pot metaphor exaggerates the degree to which immigrants' ethnicity is likely to be extinguished by exposure to American society and it exaggerates the need to extinguish ethnicity. By being too compelling, too idealistic, the melting-pot idea has inadvertently helped to discredit the very assimilation paradigm it was meant to celebrate.

The speed and thoroughness with which individual immigrants conform to these criteria vary, but each dimension is critical and interdependent with the others. The absence of legitimacy breeds ethnic conflict between natives and immigrants and among members of different ethnic groups. The absence of competence keeps immigrants from being economically and socially integrated into the larger society and breeds alienation among the immigrants and resentment of their dependence among natives. The absence of civic responsibility keeps immigrants from being involved in many crucial decisions that affect their lives and further contributes to their alienation. Having immigrants identify as Americans is, of course, the whole point of assimilation, but such identification depends heavily on the fulfillment of the other three criteria.

One of the most frequently overlooked dimensions of assimi-

lation is the extent to which it depends more on the behavior of natives than of immigrants. Most conventional definitions and analyses of the subject assume that assimilation involves affirmative acts or choices that immigrants alone must make. But the real secret of American assimilation is that the native-born Americans—not the immigrants—have made it work. Since independence, a majority of Americans, all of whom once were immigrants themselves or the descendants of immigrants, have been instilled with the assimilationist ethos and have, in turn, instilled it in each new generation of immigrants.

Americans have accorded immigrants (and their children) their legitimacy. They have done so by letting them come, letting them quickly become citizens, according them a full complement of American civil rights, and treating them in myriad ways, both large and small, as equals. Americans, through their faith in individual achievement, have given immigrants the chance to prove themselves. They have employed them, let them buy homes in their neighborhoods, let them join their social organizations, and even let them marry their sons and daughters. Regarding the latter point: Americans may only recently have grown so tolerant that they condone their children marrying immigrants of another race, but Americans have long surpassed the citizens of other nations in accepting interethnic marriages. Americans have sustained a civic order and a civic ideology that values good citizenship and political participation by all residents. They have drilled the immigrants' children in the American Idea, actively encouraged immigrants to become citizens and to vote, aggressively appealed to them as political constituents, and let them run for political office. In short, Americans, by law, policy, and attitude, have actively encouraged immigrants to become fellow Americans in spirit as well as in law.

The roots of Americans' predisposition in favor of assimilation reach deep into the American psyche. This predisposition is undoubtedly nourished by the personal and collective memories and aspirations of a nation of immigrants, but since other nations of immigrants (Argentina, Australia, Brazil, Canada, and New Zealand) have not been nearly as assimilationist, there must be some other explanation. American assimilation owes its power to four unique aspects of American society: 1) the liberal, universalist ideas embedded in the U.S. Constitution; 2) the universal commitment to an economy built on market capitalism; 3) the density and redundancy of organizational life—governmental, political, religious, social, economic, and philanthropic; and 4) a persistent, society-wide infatuation with modernity and progress. Each factor by itself is assimilationist. Together, they make assimilation irresistible.

America's political system has fostered assimilation in several ways. By blocking acts of discrimination against immigrants and ethnic minorities, it has given immigrants civil legitimacy, undermined the credibility of nativists, and prevented the buildup of unresolved ethnic grievances. In its machinery of political participation based on universal suffrage, it has further enhanced immigrants' civil status, offered appropriate forums for airing ethnic grievances, and provided an important entrée for involvement in American organizational life. By allowing all immigrants to become citizens after a brief residence and a painless apprenticeship, the United States has offered them formal membership in the American community. Finally, as the practical embodiment of universally cherished, if often breached, principles of civic idealism embodied in the "American Idea," the U.S. political system has served as a compelling philosophical rallying point for all Americans.

American capitalism has been nearly as important as its political institutions in fostering assimilation. As economist Thomas Sowell pointed out, by putting an economic premium on talent and effort, market capitalism makes any discriminatory, anti-assimilation policies of natives or immigrants *unprofitable.* Even anti-immigration scholar George Borjas noted in his 1990 book, *Friends or Strangers,* "Not only is economic mobility an important aspect of the immigrant experience, it is also sufficiently strong to guarantee that for most of their working lives, first-generation immigrants outperform natives in the American labor market." Competition between natives and immigrants in most parts of the world has bred hostility and ethnic conflict. From time to time, it has done so in the United States as well, especially during economic downturns, but America's capitalist ethos has been so strong that inevitably the economic contributions of immigrants earn the grudging respect, rather than the envy, of natives. Once immigrants and natives work together and come to appreciate each other's economic value, it becomes much easier to form other kinds of interest-based relationships. Eventually, economic relationships lead to social ones, culminating in friendship and even intermarriage. At a deeper philosophical level, a society devoted to judging people mainly by their accomplishments is a society that, of necessity, places less stock on judging them by their ethnic, or even class, backgrounds.

More than 160 years ago, Alexis de Tocqueville remarked about Americans' proclivity to join and participate in an array of organizational activities and saw that proclivity as one of the young nation's most stabilizing and heartening tendencies. The United States still leads the world in the density and profusion of organizations of every imaginable sort and the extent to which its citizens join them. Francis Fukuyama, in his 1995 book *Trust,* thoroughly documented the importance of America's "intermediary" institutions in promoting the stability and harmony of American life, not the least in providing one of the most effective venues for the assimilation of generations of immigrants. Even the formal governmental apparatus of this federated nation, which, in addition to the states, supports thousands of local and special-purpose jurisdictions, offers a vast arena for formal and informal participation by citizens. Leaving government aside, in even the smallest towns and neighborhoods, people have always belonged to an abundance of religious, fraternal, business, social, recreational, philanthropic, and single-purpose activist organizations.

Americans' active organizational life has greatly facilitated all aspects of assimilation. Civic organizations have given immigrants status and reinforced their civic assimilation. Other kinds of organizations have enhanced immigrants' competence and protected their economic interests, reinforcing their "structural" assimilation. From the beginning, ethnically based religious and

social organizations have given aid and comfort to immigrants, greatly eased the immigrants' transition to American life, and led inevitably to their participation in a wider social network. The historian Maldwyn Jones explained the paradox of how ethnic churches and ethnic celebrations actually worked to promote assimilation and "Americanization" as follows: "To some observers there has been an element of contradiction in the fact that immigrants assert their American patriotism as members of separate groups. But the contradiction is only superficial. When Polish Americans observe Pulaski day, when Irish Americans parade in honor of St. Patrick, when Italian-Americans gather to fete San Rocco or San Genaro, and even when Americans of Greek, Mexican, or Armenian origin celebrate the old country's independence day, they are merely asserting their cultural distinctiveness, merely seeking to make clear their own identity in the larger American community. And even while doing so, they rededicate themselves to the common national ideals that bind them together." "The common national ideals" Jones had in mind include Americans' enthusiasm for religious expression and, on a secular plane, their civic spiritedness and freedom of cultural definition.

The most overlooked national attribute that has facilitated assimilation is Americans' enduring enthusiasm for "progress" and all things modern, what Max Lerner referred to as "the merging of the Constitution with the idea-of-progress strain in American thought." A country that is in love with progress appreciates the potential contributions of immigrants and is eager to incorporate them. A country that is determined to be in the vanguard knows that anti-assimilationist ethnocentricity represents a retrograde and outmoded way of thinking. A country that is always willing to embrace change is rarely daunted by the prospect of living with new and "exotic" peoples.

Over the United States' two centuries of existence, the tides of nativism have periodically advanced and receded with changing levels and national mixes of immigrants, the onset and conclusion of great wars, and the vicissitudes of the national business cycle. But they have never been strong enough to overwhelm the irresistible currents of America's political, economic, and social predispositions. It is the combination of these predispositions and the assimilationist ethos they support that has made the United States, with all its problems and shortcomings, the most successful nation in world history in integrating ethnically diverse people.

The great hallmark of assimilation, American style is that immigrants are free to retain or discard as much or as little of their homeland cultures as they wish without compromising their assimilation. This fact is rarely recognized, however, in most discussions of the subject, allowing a misperception to stand that severely distorts the American debate about assimilation's desirability and possibility. The conventional judgment as to whether immigrants or their descendants are assimilating is usually based on how much of their native cultural heritages they have discarded and how culturally "American" they seem. By this standard, a foreign-born teenager listening to rock music on his Walkman, wearing a baseball cap backward, and speaking accent-free English is "assimilated," whereas an Amish farmer is not. But the social characteristic being identified here is not really assimilation, but what Milton Gordon and other sociologists refer to as "acculturation," conforming to superficial cultural features of the dominant society such as dress, speech, and etiquette.

Acculturation may or may not accompany assimilation. Usually, immigrants who assimilate—or at least their children—become acculturated as well, but not always and not completely. Usually, acculturated people are assimilated, but again, not always. The distinction between assimilation and acculturation is crucial, and Gordon's decades-old insistence that acculturation is *not* synonymous with assimilation may be his greatest contribution to the theory of assimilation. Except for the need to speak English, acculturation, in the American historical context, may be meaningless, because it is unclear what it is that immigrants should be acculturating to.

Americans, through their faith in individual achievement, have given immigrants the chance to prove themselves. They have employed them, let them buy homes in their neighborhoods, let them join their social organizations, and even let them marry their sons and daughters.

Notwithstanding the continuing predominance of English cultural and social influences, African-American, Hispanic, Jewish, Italian, Asian, and other ethnic influences are now deeply and ineradicably embedded in the national cultural mix, and new ethnic influences are changing that mix every day. Even international ethnic influences, detached from any immigrant cohorts, are at work changing the American "national" culture. For instance, the widespread appeal of Japanese products, architecture, and food is largely unrelated to the direct influence of the small cohort of Japanese-American immigrants.

Acculturation, in the conventional understanding of the term, is largely irrelevant in a mass consumer culture to which the entire world is acculturating. Blockbuster video stores, multiscreen cineplexes, and Burger Kings are scattered across the landscape from coast to coast. Housewives in a San Antonio barrio, a Detroit ghetto, and a Westchester County suburb watch Oprah Winfrey or the O.J. Simpson trial at exactly the same time. Virtually the entire American population (and a growing share of the world's) has made at least one visit to a Disney theme park. Americans of all ethnicities have never been more acculturated than they are today. If assimilation really was the same thing as acculturation, there might be nothing to worry about.

But because it is manifestly clear that people can be acculturated without being assimilated, there is a great deal to worry about. Indeed, in most of the world's hot spots of ethnic con-

flict, acculturation is not an issue, but assimilation is. Religion aside, Bosnia's Serbs, Croatians, and Muslims are acculturated to the same cultural base, as are Northern Ireland's Catholics and Protestants. But the ethnic conflicts of Bosnia and Northern Ireland transcend acculturation and religion and would not disappear even in the face of mass religious conversion. They owe their virulence to the absence of all the other aspects of the assimilation typology.

Conversely, people can be assimilated without being acculturated. The strangely dressed Hasidim of Brooklyn, the devout Mormons of Utah, and the insular Chinese Americans of San Francisco's Chinatown are incompletely acculturated to contemporary American cultural norms, but they are very much assimilated.

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Not only is acculturation not synonymous with assimilation, it can dangerously distract attention from the absence of true assimilation. That is why people in the United States cannot fathom the deep ethnic hatreds of a Bosnia or Northern Ireland today or the murderous anti-Semitism of Nazi Germany in the 1930s and 1940s that was unleashed against the most acculturated Jews in Europe.

One can see many examples of acculturation without assimilation in the United States itself. Several of the Arab-born perpetrators of the 1993 bombing of the World Trade Center in New York City were actually highly acculturated to American society. The sister of one of the ringleaders is quoted as saying about her brother: "We always considered him a son of America. He was always saying 'I want to live in America forever.'" Here, obviously, is a man who, though sufficiently acculturated, was thoroughly unassimilated. His unwillingness to identify with the United States *as a nation*, rather than as a culture, led him to participate in a murderous anti-American act. Even Timothy J. McVeigh, the alleged perpetrator of the much more devastating bombing of the Oklahoma City federal office building, is, in his own way, an example of someone who is an acculturated but unassimilated American. McVeigh claims that he is only anti-government, not anti-American. But the research and testimony emerging since he was apprehended suggest a man motivated by hatred of America's ethnic diversity and of the American Idea's universalist principles that generated and legitimated that ethnic diversity. McVeigh's case illustrates how national unity—the key output of true assimilation—depends on the commitment of natives, as much as immigrants, to what Gordon called "civic assimilation."

On a much more mundane level and with fewer harmful consequences, one sees acculturation without assimilation among such immigrants as Dominicans in New York, who refuse to think of the United States as their permanent national home. Most Dominican youngsters in New York speak accent-free English and are very much at ease in the cultural matrix of New York and the United States. Their parents still speak accented English and Spanish among themselves, but they are far more acculturated than were the Jews and Italians on New York's Lower East Side a few generations ago. But as Luis Guarnizo documented in his study of the New York Dominican community, whether they are more acculturated or less acculturated, a disturbingly large number of Dominicans see New York and America as only a temporary way station—a place to make some money. They plan to return to their native Dominican Republic as soon as they have saved enough. In the meantime, they constantly travel back and forth, undermining the stability of an assimilationist social order.

The confusion between acculturation and assimilation is no mere terminological quibble, because the muddling of that distinction has been one of the most durable pegs on which the enemies of assimilation have hung their arguments for keeping the United States permanently divided along ethnic lines. In the 30 years since Gordon wrote *Assimilation in American Life*, there has been an explosion of studies on immigration, ethnicity, and assimilation in America. Many of the researchers have been dedicated to proving that assimilation isn't occurring, perhaps that it never did occur, and that such assimilation as may have occurred was a much more ragged and painful process than Gordon and other theorists of assimilation have laid out. By pointing to the supposed failure of assimilation, they have hoped to provide intellectual support for cultural pluralism and political support for the policies of ethnic federalism.

But the revisionists are wrong. By confusing assimilation with acculturation, they have missed two fundamental points. Ethnically diverse Americans do not have to be alike to be assimilated. And as the ethnic historian Stephen Thernstrom pointed out, "We can best appreciate the significance of assimilation in American history by taking as our standard of reference other multiethnic societies around the globe." By those standards, assimilation in the United States has been a monumental triumph, which is clear in how successfully the United States has functioned, not just economically but socially. The interethnic amity of American society, enviable by world standards, sustained for centuries in the face of an ethnic diversity literally unmatched anywhere else, needs to be explained. The only plausible explanation lies in the United States' unique formula for assimilation. ◆

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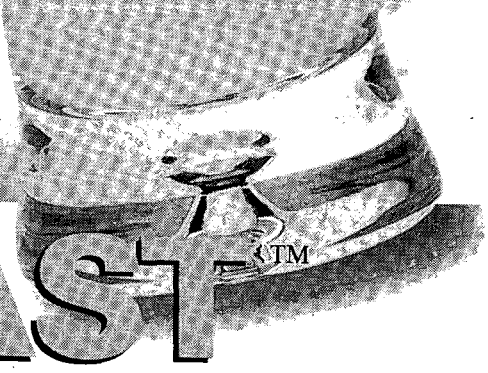

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[1] *Serafini, M. Red wine, tea and antioxidants. The Lancet 1994;344-626*

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HAPPY WARRIOR

Republican agitator Grover Norquist on building a "leave-us-alone coalition"

Grover Glenn Norquist's favorite adjective might be *cheerful.* He uses it to describe his own frame of mind, the people around him, the events he attends, even the food he eats. The bearded, 39-year-old Norquist, founder and president of Americans for Tax Reform, is a happy warrior against big government. Although he's usually called a "Republican strategist," Norquist doesn't manage campaigns, create political ads, or conduct polls. He's more of an impresario, the Ed Sullivan of the anti-Washington movement, bringing seemingly unrelated people together to work for a common goal. He's taking his mission seriously. He uses military metaphors and hyperaggressive language, but he does so with a wink and a grin. He wants to assure his allies that achieving the goal may be critical, but the journey there should be fun.

He argues that there is an emerging "Leave-Us-Alone Coalition" of property owners, anti-tax activists, gun owners, home- and private-schoolers, small business owners, religious conservatives, and libertarians who want the government to stop interfering in their lives. By contrast, the constituencies of the New Deal alliance (what he calls the "Takings Coalition," because they want to transfer money and power from some people to others) of labor unions, government employees, trial lawyers, government contractors, and government grant and welfare recipients are shrinking. As government shrinks, Norquist says, the Takings Coalition implodes.

Over the past three years, Norquist has taken coalition building personally. Every Wednesday morning he hosts an invitation-only meeting of grassroots activists, policy analysts, congressional staffers, political candidates, and sympathetic journalists in his conference room, including 50 to 100 representatives from groups as diverse as the National Rifle Association, the Cato Institute, the Christian Coalition, U.S. Term Limits, Republicans for Choice, the Heritage Foundation, and occasionally UNITA—the political organization of Angolan anti-communists. In a typical meeting, elected officials and activist groups alert the other attendees of upcoming bills and initiatives and solicit financial or grassroots support. Soon after starting, ATR's Wednesday gathering was deemed "the hottest meeting in Washington."

Newt Gingrich (whom Norquist met in the late '70s) told *The Washington Post,* "He comes up with more interesting ideas than anyone I work with in terms of grassroots activism." Graduating from Harvard in 1978, Norquist soon began organizing anti-tax campaigns in California and elsewhere, combining his political activities with MBA studies at Harvard Business School. One of his MBA papers outlined a plan for the national College Republicans to switch from a résumé-padding social club to an ideological, grassroots organization. In the early 1980s, he helped implement his plan with the help of the group's executive director, recent University of Georgia graduate Ralph Reed. After a stint as speechwriter and chief economist for the U.S. Chamber of Commerce and some time as a Reagan administration staffer, Norquist founded Americans for Tax Reform in 1985 to push what would become the 1986 tax simplification plan.

Norquist invented an easily comprehensible method of tracking politicians' commitment to low taxes—the Taxpayer Protection Pledge. The pledge is a one-page statement promising never to vote to increase marginal tax rates and never to eliminate tax loopholes without simultaneously supporting equivalent reductions in marginal tax rates. Norquist or an ATR staffer witnesses every sig-

PHOTOS: CHAS GEER

Interviewed by Rick Henderson and Steven Hayward

nature, and once a politician takes the pledge, that person is bound for life. ATR does everything possible to make life hell for candidates who refuse to sign or who, having signed, break their word. The 105th Congress will feature 200 pledge takers in the House (including four Democrats) and 40 in the Senate (all Republicans). Every Republican presidential candidate in the 1996 race took the pledge (Richard Lugar's signature was thrown out because he demanded an exception during wars or depressions), including Bob Dole, who had refused to sign in 1988.

But always, too, there is cheerfulness. Norquist frequently hosts parties in his Capitol Hill townhouse in which grassroots activists and think tankers mingle with members of Congress to drink beer, eat Chinese food, and smoke cigars. ATR's offices near Dupont Circle resemble a college frat house: The canned music on the office voicemail system is Booker T. and the MGs.

Directly behind Norquist's desk, a group of photographs of him with various political figures encircles a framed print of Janis Joplin. On the day of the interview, a *Washington Post* Style section story had chronicled several ATR staffers' feeding of a mouse named David Bonior (after the House minority whip) to Lysander Spooner, a boa constrictor that serves as the organization's unofficial mascot.

Washington Editor Rick Henderson and Contributing Editor Steven Hayward, vice president of research at the Pacific Research Institute, interviewed Norquist in his office the day after the election.

Reason: This is the first time since 1928 that Republicans have held Congress in consecutive terms. If there is a realignment underway, however, there seems to be this little barrier about winning the White House. What does it take to change that?

Grover Norquist: I think it is very healthy that the conservative movement and the Republican Party didn't panic on losing the White House in 1992. The Republican Party, and specifically the Leave-Us-Alone Coalition, which I think conforms with the modern Republican Party, is the natural governing majority party. We have 32 governors and a majority of state houses and almost half of all the state legislators. We control half of the Congress and half of the Senate, and we're moving into local offices, and judges, and so on. That natural governing majority can exist apart from a president of the other party.

The Republican Party and the conservative free market movement have been presidentially focused for too long. Part of that was reasonable in the Cold War. I mean, four more years of Carter, and Central America would have been communist, and South Africa would have been communist, and they would have rolled up Africa, they would have rolled up Latin America. We could have lost the whole shooting match to what we now know as a rather pathetic Soviet empire. But they still could have beaten us if Carter had continued supervising our team.

With the Cold War won—not over, won—there just isn't the same necessity of keeping the presidency. There will be people killed around the globe because we have an idiot for a president, but I mean, nobody took losing the presidency really hard. [Holds up a newspaper column.] Here's Arianna Huffington whining about Dole's loss being a disaster. What disaster?

I am not unhappy that Clinton was able to win. I'm unhappy he did win, but I'm not unhappy that he was able to win campaigning on our issues. He did not run saying, "I'm going to give you lots of government." Hypocrisy is the tribute that vice pays to virtue. And Nixonism is the tribute that a minority party politician pays to the majority party's positions—you cede territory as you have to. The Democrats got a lot out of Nixon. And what we have in Clinton is Nixon in '72. Not only the parallel with the scandals, which I think the press is not going to push. They'll be pulled through, subpoena by subpoena.

But Clinton's good for us. I want Clinton standing at the end of four years. I want everybody around him gone and discredited, but I want Clinton standing there—Gorbachev. The whole house of cards under Gorbachev collapsed, the entire empire collapsed—but *he's* OK. He's happy. Like one of these buildings that

implodes, Gorbachev stood at the top and floated down and walked away unscathed. I want Clinton to do the same thing for the American left. I want him to walk away with everybody around him bloodied and him going, "I'm fine."

Reason: In American history political transformations are slow-motion affairs. Wasn't it a mistake of House Republicans and others to talk so fondly in terms of revolution the last two years?

Norquist: No, for two reasons: You have to talk to your own troops to keep them going, and we don't have control of the discussion.

When we say Washington is corrupt and needs changing, the media will say we're revolutionary and we're looney tunes. The taxpayer group in every state is always—*always* referred to as nuts. Every state! I thought maybe we just had a lot of nuts [laughter].

I deal with both in Washington, with the establishment and with the revolutionaries at ATR, corporate guys and the taxpayers' movement. The corporate guys in every state—the Chamber of Commerce—think the taxpayer groups are nutty. Why? Because that's what the left always says about taxpayers' groups: that's how they marginalize them. Sometimes guys like Howard Jarvis [the father of California's Proposition 13] play into the stereotype and become more nutty than they probably were before everyone told them they were nutty. But just as you listen to Radio Moscow and when they tell you somebody's ill, you realize he's dead, our team hears, "He's a little bit nutty," and they go, "Oh, he must be OK."

Reason: What are your coalition's core issues?

Norquist: The next person who runs for president should run on the six non-negotiables: 1) Racial preferences: Liberals can say they're against quotas, but they have to vote against something like the California Civil Rights Initiative. 2) Tort reform: Liberals think they should be able to violate contracts any time they want to because they don't like them. Plus, the trial lawyers line the Democrats' coffers. 3) A single-rate tax system, because that goes after class warfare, along with double and triple taxation. 4) School choice, because the teachers' unions won't allow it. 5) Opposition to gun control. 6) A balanced-budget amendment to the Constitution with a supermajority requirement for raising taxes, because it explains who we are vs. who they are.

Reason: What about abortion?

Norquist: The distinction between the Leave-Us-Alone Coalition and the Takings Coalition is that we think the proper role of the state is to protect people. The abortion issue will never be solved because the disagreement is over whether there are one or two people involved. The question isn't who should be left alone—the question is, "How many people are there?" With abortion, if there's one person, then the role of the state is to protect that person and let her have an abortion. If there are two people, then both of them deserve protection.

I don't know any pro-choicers who say, "There are two distinct human beings here—kill one." And I don't know any pro-lifers who say, "No, there's only one person here and we want to compel her to have a baby." But that doesn't mean they should disagree about whether the government should steal people's property or grab their guns or about school choice.

I know lots of people who are pro-choice and are radical libertarians. I know of almost no one in elected office who is. For too many politicians the promise that they are solid conservatives except on social issues is followed by the declaration that support for racial quotas is a social issue, property confiscation in the name of environmentalism is a social issue, gun control then becomes a social issue.

People who are willing to stick to a strong pro-life position aren't going to be pushed off a strong anti-tax position. For people who like to think in ideologically cohesive ways it makes no sense, but that's the way it is.

"The abortion issue will never be solved because the disagreement is over whether there are one or two people involved. The question isn't who should be left alone—the question is, 'How many people are there?' With abortion, if there's one person, then the role of the state is to protect that person and let her have an abortion. If there are two people, then both of them deserve protection."

Reason: You have suggested that your coalition may unite behind a single presidential candidate in 2000. Who might the coalition support?

Norquist: It is important that we don't commit to any one person in the next two years. We want all potential suitors to compete, not just on an ideological basis but on a party-building basis. These guys should go out there and hustle.

My biggest disappointment was when [Indianapolis Mayor Steve] Goldsmith lost in the Indiana governor's race. I thought he was presidential. I thought had Jeb Bush won the governorship two years ago in Florida, he could have been a presidential candidate. [House Majority Leader] Dick Armey is someone who could be a wonderful leader for the Leave-Us-Alone Coalition.

Lamar Alexander hurt himself by his opposition to the flat tax. Jack Kemp has to come to grips about whether he's for or against apartheid. Is state-sponsored racial discrimination a good or a bad thing? Until recently, he said it was a good thing. That is not acceptable. And he has to decide whether government spending per se is wrong, and he hasn't yet done that.

Reason: What about Steve Forbes?

Norquist: Forbes is a very strong possibility. He's been a real party builder. Had he done what Colin Powell did after he stepped out—had he withdrawn from public view, people would have said, "He wanted to be president, he wanted to be impor-

tant, but now he doesn't want to play." But Forbes was aggressively campaigning for other Republicans when it was clear he wasn't going to win. That's a guy who cares about building a movement. That's a guy who's not just in this for himself, which is the route that Powell took. Had Powell just taken half a month of his time, he could have helped us win 10 more House seats. He could have gone out and done fundraisers for people or visited every vulnerable district, and he didn't.

Forbes is helping people. Sometimes by helping other people you help yourself. When you run for president you're asking everybody to help you.

Reason: You have taken some strong positions in support of immigration, despite some major divisions among people in your coalition. Why did you do this?

Norquist: We have to have a police state powerful enough to find everyone in the country and figure out who they are? Whoa, Nelly! There are some things that even if they were a good idea, to do them the government would have to be too big.

I've taken the strategically brilliant position [laughter] that I think is self-evident—eliminate welfare for immigrants, legal and illegal. What bothers most Americans is that they think immigrants come here to go on welfare and don't work. It doesn't bother them that there's *x* number of new swarthy looking people in the country. This does not keep them up at night.

I'm in favor of banning welfare for immigrants, legal or illegal, because I'm against welfare, period. If we like immigrants, we have to take this mark of Cain off them, that people think that they're on welfare. If we make the no-welfare-for-immigrants provisions stick, through the court challenges, then the next time someone in Congress gets up a head of steam and wants to clear out the immigrants, he's got fewer guys in his army.

Reason: But the Republicans' anti-immigration rhetoric may have cost the party Latino voters for a generation. How can the party get them back?

Norquist: We have to highlight that we're only going after welfare. Then we have to talk about other things. Pro-choice suburbanites don't mind pro-lifers, but they don't want to hear them talk about it all day. Hispanics don't mind Republicans discussing cutting off welfare benefits unless they hear them talk about it all day. In that case they think, "These guys really do have a hangup about me." We need to make it clear: immigration good, welfare bad. Welcome to the country. And if you don't want the government stealing your money, vote for me.

Pat Buchanan does come across—I hate to use the left's language—as mean-spirited.

Reason: He was also telling "José" to go home.

Norquist: Buchanan's used to bar fights. I could come back at him with some Irish slur and he would think it was a fair fight. José doesn't look at it that way. He doesn't look at this as a cute intellectual discussion.

Reason: In his recent book, your old friend Ralph Reed said he thought that passing the Communications Decency Act [banning "indecent" speech on the Internet] was a great victory for the family movement. ATR was one of the parties that sued to have the CDA declared unconstitutional. What happened there?

Norquist: The way I talked to him about this is that there is a private sector solution, which is screening software that parents install for the protection of their kids. The idea that the government should help parents protect their kids is inviting somebody into the house that ain't ever going away and certainly ain't limiting itself to regulation of the Internet.

As we get more used to the Internet it will also be easier to convince the family groups. Fear of the Internet is a false fear. You can't tell a parent that there's software that will keep your kid from looking at dirty pictures on the Internet, because he believes in his heart of hearts that his kid can break into anything, or should be able to, or knows someone who can. A couple years from now parents will understand it more, how much their kids can and can't do on the Internet. It will be less frightening.

Reason: Let's pick up this point on kids, because Arianna Huffington has written pro-censorship columns, in which she

has said, the problem is not kids, it's adults. We don't want adults seeing this stuff. And Judge Robert Bork—another conservative icon—openly argues for censorship to protect adults.

Norquist: How many divisions does Bork have? How many divisions does Arianna Huffington have? The First Amendment can withstand any number of books or columns from Bork or Huffington.

I don't mean to be Pollyanna-ish and argue there are no conflicts. But we need to depoliticize more stuff, move more things out of the political realm. When you see arguments—should creationism be taught in the public schools? Once you move to school choice you have eliminated that argument and it's not a problem any more.

There will be conflicts, and this is where Gingrich's observation is so critical. The majority governing party does not eliminate conflict, doesn't resolve conflict. We agree to manage conflict.

I probably did a poor job hauling off and joining the lawsuit against the Communications Decency Act without sitting down and talking to the family groups. On the other hand, my position was—they didn't exactly talk to us about it either. That was a mistake.

Reason: What about those people who would prosecute the sponsors of a privately funded Mapplethorpe exhibit in Cincinnati? Are they leaving people alone?

Norquist: At the national level, conservative groups don't care much about that. At the local level, I talk about focus and resources. How much of your resources do you use to fight for school choice, which gives you complete control over your child's education, and how much do you focus on making it so that somebody in another city can't look at dirty pictures?

I am not concerned that the religious right will run out of things to do. My greater fear is that if you get school choice that the [Christian right] will do what they did 20 years ago—they'll retreat into their own private lives and that they won't come out and vote for tax cuts. My fear is that if they get their main issues settled, they'll go home.

We want to remind everybody who's a single-issue voter for freedom that there are seven other reasons to support it. What the Christian Coalition has done is so important. The Christian Coalition represents a lot of white Southerners who used to be quasi-socialists. They used to buy into the whole Democratic Party's class warfare arguments. With a lot of those constituencies, we've brought them along so that they're as good on the tax issue as anyone else.

Reason: When Republicans talk crime, they mean *drugs*. How do you convince conservatives that the drug war is a threat to everyone's liberty?

Norquist: We have to get the property rights people and the economic conservatives to point out that the drug war should not include confiscation of property. You can win that fight. You can move away from the idea that tough on crime means being tough on property owners.

The pro-gun movement understands that inanimate objects don't harm people. People do. The Second Amendment movement understands that the anti-drug movement can easily become an anti-gun movement. It's all the same rhetoric.

Reason: You've hosted your Wednesday breakfast meetings for three years now. What inspired you to get all these people representing disparate interests in one room once a week?

Norquist: Sheer terror of Clinton's health care plan. The goal was to stop the government seizure of the health care industry. Had the Democrats taken over health care, I think we would have become a social democracy and we could have never undone it. We wouldn't have won in '94, and even if we did, it wouldn't matter because 50 percent of the population would be on the take. The government has your kids' education, your health care, your parents' health care, and your pension. You want to argue with that government?

There isn't an anti-government party in Germany, Sweden, or France. You have conservatives, but basically it's a European kind of conservatism—one religion hates the other, or we should all own the land on the other side of the river, you know. There's not an anti-government conservatism as a functioning, competing political party that might win an election, because everybody agrees that the government is going to run your health care. Even Margaret Thatcher was really pissy at anybody who wanted to talk about doing something with the National Health Service.

Reason: All the momentum among the chattering classes is for campaign finance reform. What may happen there and what ought to happen?

Norquist: I would hope that we would move toward complete reporting of contributions and eliminating limits. Campaign finance reform is like gun control. I mean, if they're not obeying the other laws, why would a new law help?

The problem is that the federal government hands out billions of dollars, and people will lie, cheat, steal, or bribe to get it. If you have a big cake, and you put it under the sink and then you wonder why the cockroaches are in your kitchen, I don't think any sprays or blocking the holes in the walls are going to get rid of the cockroaches. You've got to throw the cake in the trash so that the cockroaches don't have something to come for.

"Had the Democrats taken over health care, I think we would have become a social democracy and we could have never undone it. We wouldn't have won in '94, and even if we did, it wouldn't matter because 50 percent of the population would be on the take. The government has your kids' education, your health care, your parents' health care, and your pension. You want to argue with that government?"

"The Leave-Us-Alone Coalition and the American ideology are libertarian. That's what it means to be an American. Almost everyone has a little deviation from that, but almost everybody almost all the time wants freedom, which is a big step forward, say, from living in France or Germany."

Take last year's phase-out of farm subsidies. Here you had a corporate welfare system that helped Republicans, and what did we do? We phased it out. Why? Because a farmer who might get a subsidy is part small businessman and part welfare recipient. That's like the guy with the devil on one shoulder and the angel on the other one. One says, "You're a Republican, you're a businessman," and the other one says, "No, you're a Democrat, you get money from the government."

Well, we just killed that devil, and now farmers are just heavily armed small businessmen [laughter]. They have nothing—nothing in common with the Democratic Party. You think Tom Daschle [the Senate minority leader] could win another election in South Dakota? He doesn't agree with the people in South Dakota on social issues, on foreign policy, on guns, on taxes, on spending. The one thing he could do is go to every wheat farmer and say, "I will get you more than the Republicans will." And it's true. No Republican could outbid Daschle. I think the Democrats have lost five Senate seats permanently: North and South Dakota and Iowa. Track the next 20 years versus the last 20 years, and there will be five fewer Democrats.

It's in our interest to kill all of those cross-subsidies. Our job is to hunt down all economic rents and kill them, extinguish them. Because all economic rents breed Democrats like cockroaches.

Reason: You think the 1988 *Beck* decision, in which the Supreme Court ruled that union dues can't be used for partisan political purposes, is very important. Neither the Bush nor Clinton administrations has enforced *Beck*. Since unions targeted Republicans so openly and viciously this election cycle, do you think the new Congress might try to pass legislation implementing *Beck*?

Norquist: Clinton will veto it. It will take a Republican president to enforce it.

But that decision will help us break the unions. The decision was seven to two, not some close vote. The Court said that, under the Wagner Act, the only resources that can be taken as compulsory unions dues are those that are spent on the negotiation and maintenance of your contract. Labor unions cannot take compulsory dues from you and organize the factory down the street or buy a house for [AFL-CIO President] John Sweeney. So it doesn't just ban political money.

Courts have ruled that only about 20 percent of union dues go to [legal purposes] right now. So if *Beck* was enforced and everybody took advantage of it, you would reduce the cash flow to unions by maybe $8 billion. Like that! [Snaps fingers.]

If 10 percent of union members did it, that's $800 million a year, and that's a lot. Average dues are around 500 bucks a year, so as soon as somebody figured out that they could get $400 back, everybody would want their $400 back. It would crush labor unions as a political entity.

Reason: You have worked with the Libertarian Party in the past. When and why?

Norquist: In the 1978, '79, and '80 races I ran a group called the Tax Action Coalition. Ed Clark [the 1980 L.P. presidential nominee] was the chairman. I've found that Libertarian Party activists make the best tax activists because they never get involved in the silly questions about which tax is preferable. They understand that the total tax burden is the total amount of freedom taken away from you, and it needs to be reduced as quickly and as completely as is humanly possible.

Much like the pro-life movement and the Christian right, the Libertarian Party has gotten much more sophisticated and presentable over the last 20 years. That's a tremendous asset. As a presidential candidate, Harry Browne was reasonable, nonthreatening, and educated a lot of people on a lot of issues.

The Leave-Us-Alone Coalition and the American ideology are libertarian. That's what it means to be an American. Almost everyone has a little deviation from that, but almost everybody almost all the time wants freedom, which is a big step forward, say, from living in France or Germany.

Reason: Talk about your "in half" initiative.

Norquist: It's an initiative of ATR. I am writing a book, called *In Half: How and Why We Cut the Government in Half in One Generation, 25 Years.* I picked 25 years because I assume setbacks, I assume bad times as well as good. Obviously if you speed up growth, you can get to government taking only half as large a percentage of the economy quicker.

But if you privatize Social Security, if you voucherize education, if you sell the $270 billion worth of airports and wastewater treatment plants, eliminate welfare, and so on, you can get the federal government, state government, and local government to basically half of its present level of costs. Instead of 33 percent of the economy, make it 16.5 percent of the economy.

I think we could do it a lot faster if we elected the right guys, but I think it's politically doable to say, here's our goal: Cut the government in half. I think it's important to have a clearly articulated goal. And I think the movement would buy into the idea that yes, we want to move toward the government's being half its present size. That's a radical enough and big enough step that it's worth the journey. Then in 25 years I intend to write a sequel: *How to Cut the Government in Half Again.*

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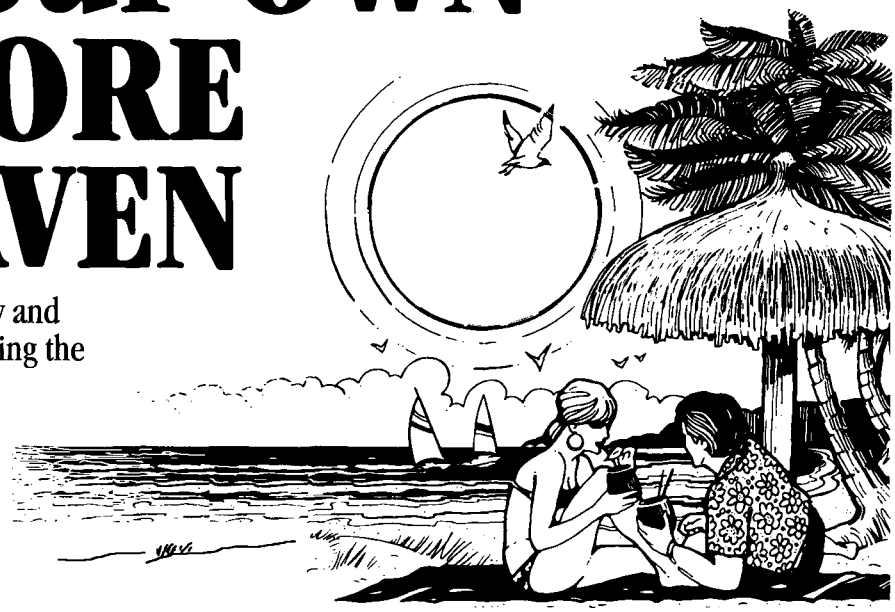

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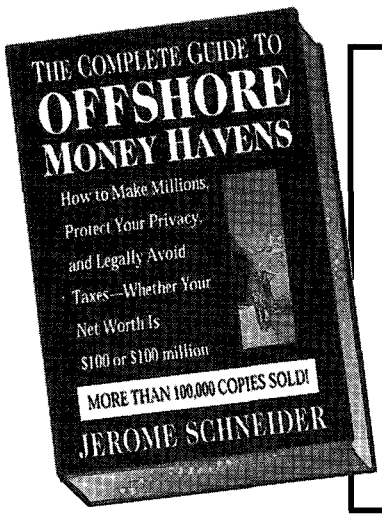
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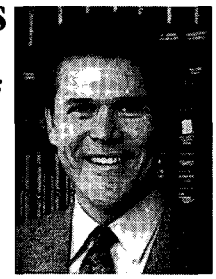

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Jerome Schneider is a foremost authority on international finance and investing. For more than 20 years, he has helped businessmen, investors and entrepreneurs make and save fortunes using the world's offshore financial centers.

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Reason

PRESCRIPTION: DRUGS

When California and Arizona overwhelmingly passed initiatives allowing the medical use of marijuana, drug warriors were apoplectic. What do these measures really mean?

In the run-up to November's elections, opponents of California's Proposition 215 and Arizona's Proposition 200 —both of which allow doctors to recommend or prescribe currently illegal drugs—drove home one basic point: These ballot initiatives were, in the words of Clinton drug czar Barry McCaffrey, "a stalking horse for legalization." California's initiative, Orange County Sheriff Brad Gates warned, "wouldn't just legalize marijuana for medical use—it would legalize marijuana, period, with absolutely no controls on quality, or dosage, or who can get it." State Rep. Paul Mortenson (R-Mesa) told the *Arizona Republic*, "The message from Proposition 200 is, Do drugs, so what?" "What we have here," pronounced California Attorney General Dan Lungren, "is a law flying under false colors."

In the end, however, what opponents had was a failure to convince. Even the vast majority of voters in both states who oppose drug legalization remained unpersuaded. Indeed, the final tallies weren't even close: Fifty-six percent of Californians favored Proposition 215, with 44 percent opposed. Arizona's Proposition 200 scored an even more lopsided win, 65 percent against 35 percent.

The medical-use initiatives carried the day due not to any nascent push for widescale legalization but to the huge reservoir of sympathy people have for desperately ill patients and chronic pain sufferers. Pre-election polls commissioned by Arizonans for Drug Policy Reform, the group pushing Prop. 200, found less than a quarter of state residents favored legalization. Election exit polls on the initiative, however, showed overwhelming support in every demographic group, including Republicans, conservatives, and Dole voters.

In the wake of such success—and national polls suggesting receptiveness to the idea—the medical-use movement is sure to spread across the country. Californians for Medical Rights, one of the main proponents of Prop. 215, has renamed itself Americans for Medical Rights and will lobby for similar measures in other states. And Rep. Barney Frank (D-Mass.), who in 1995 introduced a medical marijuana bill in Congress, says he will introduce new legislation similar to the California initiative.

These votes represent the most significant shift in drug policy in recent years—not because they allow medical use as a covert means of legalization, but because, in the words of the chief organizer of the Arizona initiative, they "make the debate on legalization possible for the first time." They do so by challenging the drug war's axiomatic assumption that "illegal" or "illicit" drugs are demonic substances that offer no possible benefits to society. As one tenet of the drug war's underlying philosophy is opened to debate, it seems likely a more expansive reconsideration of the whole enterprise may be in the offing.

Although significant, that is a far cry from Sheriff Gates's apoplectic, fanciful assertion that California's Prop. 215 would "legalize marijuana, period." Other opponents have raised the specter of "pot doctors" and "Dr. Feelgoods" who will indiscriminately provide fraudulent medical certification for recreational users, effectively legalizing drugs. In such a fractious debate, it's particularly important to appreciate precisely what the California and Arizona initiatives—deemed "tremendous traged[ies]" and "dangerous development[s]" by drug czar McCaffrey—write into law.

California's Compassionate Use Act of 1996 largely grew out of the experience of illegal but semi-tolerated "buyers' clubs" that provide marijuana to chemotherapy, AIDS, glaucoma, and chronic pain patients. One of the guiding forces behind the measure was Dennis Peron, director of San Francisco's Cannabis Buyers' Club, which has over 6,000 registered members. (See "Club Medicine," April 1996.) Peron,

BY NICK GILLESPIE

a co-author of the proposition, also heads Californians for Compassionate Use, which, along with Californians for Medical Rights, coordinated the campaign.

In stumping for the measure, proponents stressed medical and personal angles. Television spots featured an oncologist, a former cancer patient, and the widow of a cancer patient discussing the ways in which medical marijuana helps ease pain and suffering. Support for the initiative was strongest in and around urban centers such as San Francisco, Los Angeles, and San Diego. Demographically, Prop. 215 polled well among most groups other than Republicans and, interestingly, voters 65 and older. Where whites and blacks voted overwhelmingly in favor of the measure, Latinos and Asians barely opposed it, 49 percent to 51 percent. The pro-215 campaign spent about $2 million, much of it supplied by out-of-state contributors, including billionaire George Soros and insurance magnate Peter Lewis.

The measure closely resembles laws twice passed by the state legislature but vetoed by Gov. Pete Wilson. It allows patients to possess, grow, and consume pot on a doctor's "recommendation" that "the person's health would benefit from the use of marijuana" in treating terminal illnesses such as cancer, "chronic pain," or—and this is what gave opponents fits—"any other illness for which marijuana provides relief." Prop. 215 also stipulates that a patient's "primary caregiver"—defined as "the individual designated by the person...who has consistently assumed responsibility for the housing, health, or safety of that person"—is not subject to criminal sanctions. Doctors recommending use would similarly be exempt from punishment or other sorts of retribution, such as the lifting of state medical licenses.

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The point man behind Arizona's Drug Medicalization, Prevention, and Control Act of 1996 was Phoenix-area millionaire John Sperling. Sperling, the head of the Apollo Group, a consortium of for-profit educational institutions, says his interest in the issue is "purely public policy. I spent 10 years reading about drug policy and never read a positive article." He is emphatic that "we have to medicalize drug use. We have to get it out of the hands of the criminal justice community and put it into the hands of the public health and medical community." Toward that end, Sperling created Arizonans for Drug Policy Reform and pulled together a high-profile board: Former Reagan administration official John Norton served as chairman of a group that included former Civil Aeronautics Board head Marvin S. Cohen, state Court of Appeals Judge Rudolph S. Gerber, and over a dozen prominent Arizona physicians. Sperling also convinced former Sens. Barry Goldwater and Dennis DeConcini to publicly back the measure.

As with the California initiative, proponents focused on the inviolability of the doctor-patient relationship, the nausea that accompanies cancer chemotherapy and radiation treatments, and the loss of appetite and weight (wasting syndrome) in AIDS patients. The message resonated with virtually every demographic group. Total spending ran to about $1 million, and much of the backing came from people like Soros and Lewis.

Prop. 200 promises a broader impact than California's initiative. It enables doctors to prescribe any Schedule I drug—a category that includes marijuana, heroin, LSD, MDMA, and other illegal substances—if they can cite research that "supports" a medical application and they obtain a concurring written opinion from another doctor. Those prescriptions would provide a valid, legal defense against drug possession or use charges. The act also includes a number of criminal justice provisions designed to "medicalize" the drug war: People without valid prescriptions who are convicted of possession or use fewer than three times can't get jail time; state prisoners serving time for nonviolent use or possession—conceivably as many as 1,800 people—are immediately eligible for a parole hearing and possible release. Parolees and newly convicted people will have to attend court-ordered drug treatment, education, and community service. A truth-in-sentencing provision holds that anyone convicted of committing a violent crime while high must serve 100 percent of his sentence.

Organizers of both efforts remain emphatic that the propositions cover only legitimate, defensible medical use—a position somewhat undercut when Californians for Compassionate Use's Peron recently told *The New York Times* that "all marijuana use is medical—except for kids." But Bill Zimmerman, head of Californians for Medical Rights, has also stated unambiguously on CNN's *Crossfire* that he is opposed to legalization of drugs and that the law's provisions apply only to patients under the care of certified physicians.

Even proponents who support drug legalization agree on the narrow focus. If anything, says Dale Gieringer, head of the California chapter of the National Organization for the Reform of Marijuana Laws and a co-organizer of the Prop. 215 drive, most legalization advocates fear a backlash and so are particularly keen to build a fire wall between "medicalization" and legalization. California NORML is circulating a guide about Prop. 215 which notes in bold-faced, capital letters: "PROP. 215 IS FOR SERIOUSLY ILL PATIENTS. DO NOT ABUSE IT BY TRYING TO MAKE UP BOGUS MEDICAL EXCUSES. NORML SUPPORTS THE RIGHT OF ADULTS TO USE MARIJUANA RECREATIONALLY,

BUT WE DO NOT CONDONE THE ABUSE OF PROP. 215 FOR NON-MEDICAL PURPOSES. NOT ONLY DOES SUCH BEHAVIOR INVITE A PUBLIC BACKLASH, IT IS ILLEGAL AND SUBJECT TO PROSECUTION."

"One thing doctors don't want to do is to take time out of their practice to testify in court," notes Dr. Jeffrey Singer, a Phoenix-area surgeon who was a spokesman for Arizona's Prop. 200. Because prescriptions for Schedule I drugs will be subject to court scrutiny and justification, doctors will have every reason to follow both the letter and spirit of the law, says Singer, an open advocate of drug legalization and donor to libertarian groups, including the Reason Foundation, this magazine's parent organization.

While the laws are narrowly tailored, they nonetheless raise a number of practical concerns that all sides agree will ultimately be worked out in state legislatures or the courts. For instance, what happens if a patient's doctor-approved marijuana use conflicts with an employer's drug-testing policy? California's initiative doesn't stipulate that a "recommendation" be written, or that it suggest dosage and frequency—details that will need to be clarified in subsequent legislation. And neither law legalizes the sale or distribution of marijuana or other illegal drugs, meaning that patients will not necessarily have a lawful means of getting their prescribed medication.

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These sorts of issues are yet to be hammered out, but the situation falls far short of the "legal anarchy" bemoaned by California Attorney General Lungren. Indeed, on November 6, Lungren himself issued guidelines on how state-level law officers should deal with the law, suggesting that the situation is something less than chaotic. The guidelines note that the proposition "may create an affirmative factual defense in certain criminal cases" and suggest that, when considering an arrest, officers should ask for and try to verify evidence that the suspect is using marijuana under a doctor's recommendation. Such guidelines represent a significant policy reversal: Last summer, Lungren himself authorized a highly publicized raid on San Francisco's Cannabis Buyers' Club.

More difficult questions revolve around the interaction of the new statutes with federal drug laws. Under federal law, it remains illegal to manufacture, use, possess, or distribute any Schedule I drugs, including marijuana. So even patients following doctors' orders—and complying with state laws—are violating federal law. The position of doctors is more complicated still. While doctors are already prohibited from prescribing Schedule I drugs, the U.S. Drug Enforcement Administration also licenses physicians to prescribe controlled substances such as morphine. The DEA carefully tracks the use of such drugs and exercises powerful oversight in that area. (See "No Relief in Sight," January.) It is not clear if the feds will respond to doctors who prescribe or recommend Schedule I drugs by revoking their authority to prescribe controlled substances. Indeed, it is not even clear how the DEA will learn that doctors are prescribing marijuana or other Schedule I drugs, since those prescriptions will not be filled by pharmacists.

The DEA's official position on the initiatives, announced the day after the elections, hardly clarifies the issue. "The passage of these propositions in no way alters the DEA's fundamental mission: to enforce the federal drug laws of the United States. The DEA intends to continue targeting the most significant drug traffickers at home and abroad." Due to limited resources, the DEA traditionally has ignored individual users and small-time dealers, focusing instead on "drug kingpins" and large commercial operations. The feds have largely left buyers' clubs alone. But the California Medical Association has expressed fears that doctors prescribing marijuana to more than a few patients will be categorized as "significant drug traffickers" and either lose their prescribing privileges or be arrested. Rep. Frank says that, given the overwhelming victories in both California and Arizona and the negative publicity associated with hauling legitimate practitioners into court, it is "very unlikely" that federal agents will go after doctors in those two states or elsewhere in the country.

At least in the short run, the DEA seems to be adopting a wait-and-see posture, ready to spring on any evidence of increased use among children and other groups as a way to move public opinion to support a federal crackdown. McCaffrey's office has announced plans to "actively collect data—i.e., drug related accident rates, teen pregnancy, work absences, hospital emergency cases, and the like—which will indicate the consequences of the referenda." It will be interesting to see what that discovery process turns up, especially since McCaffrey's conclusion already seems firmly in place: "A hoax has been perpetrated and will be exposed," he wrote after passage of Props. 200 and 215. "By our judgment, increased drug abuse in every category will be the inevitable result of the referenda."

In fact, very little is inevitable in the wake of the propositions. No one—opponent or proponent—knows for sure what will happen. In California, thousands of "registered" marijuana users already receive their pot from buyers' clubs. And, says NORML's Gieringer, there are already "scores" of doctors publicly "recommending" pot to patients. How much will medical-use rates change in the face of Prop. 215? Will more doctors get with the program? "There's no way to know," he says.

Singer, the Phoenix-area surgeon, says that although the Arizona law allows doctors to prescribe any Schedule I drug, "the most typical application will be marijuana for cancer patients and spinal-cord injury patients"—uses understood and seemingly accepted by the public. Will public opinion shift if doctors prescribe more controversial substances for less-sympathetic patients? How will voters react when the first parolees leave Arizona state prisons?

Similarly, it's unclear how recreational drug-use rates will change—or even whether such fluctuations can be tied to the initiatives. Nor can we know whether the possibility of a legal defense for possession and use of illegal drugs will discourage state and local cops from pursuing all such cases.

Following the passage of Props. 200 and 215, perhaps only this much is certain: A new conversation about drug policy is taking place, one that actually requires state and federal governments to enter into dialogue with citizens. "Just say no" has been answered with "Tell us why." It is not clear that the government will be able to hold up its end of the discussion.

In his official statement lamenting the new state laws, McCaffrey sputtered, "We had support from former Presidents Ford, Carter, and Bush"—as if a trinity of one-term ex-chief executives would somehow provide a boost to any cause. The statement reflects a flustered mindset, one that has not had to work hard in the past to win arguments: "Doctors will not recommend pot when there are clearly better treatments. Most parents do not want their kids smoking dope. The problem is, there will be a small group of doctors recommending marijuana to people."

As Americans for Medical Rights and other groups push initiatives in other states, the conversation about the medical use of currently illegal drugs is bound to continue. Frank says the California and Arizona initiatives "give some real oomph" to the medical-use debate. "They are another argument for changing federal law," he says. Although he concedes such a change is unlikely to unfold quickly, he suggests that Congress will take note of public opinion.

Nor, despite what opponents claim, is there any reason to assume that medical-use laws lead inexorably to legalization. Indeed, the "medicalization" of drug laws can be seen as simply shifting control from the criminal justice system to a more insidious, paternalistic authority (the Maricopa County, Arizona, Libertarian Party urged a "no" vote on Prop. 200 for similar reasons). While people may be willing to expand the current pharmacopoeia, they are not necessarily signing on to the idea that individuals should have the right to decide what drugs they can take. Just as drug warriors must explain themselves to a skeptical public, so too must legalizers.

While people may be willing to expand the current pharmacopoeia, they are not necessarily signing on to the idea that individuals should have the right to decide what drugs they can take. Just as drug warriors must explain themselves to a skeptical public, so too must legalizers.

The potential connection between medical use and legalization is, in fact, a fairly subtle one. McCaffrey has suggested, "There could not be a worse message to young people than the provisions of these referenda. Just when the nation is trying its hardest to educate teenagers not to use psychoactive drugs, now they are being told that 'marijuana and other drugs are good, they are medicine.'" On one level, such an equation is absurd: People—including teenagers—don't take drugs recreationally because they are certified as "good" medicine. If they did, we could expect a run on any number of drugs, ranging from Kaopectate to penicillin. At the same time, redefining marijuana as medicine makes people less likely to automatically agree that it is an unmitigated evil.

The real contribution of medical marijuana to the larger debate on legalization is that it may well put the lie to official claims about drugs. Lungren, for instance, has said that smoking or eating marijuana has no beneficial medical effect (even as he allows that Marinol, a prescription version of THC, the main active ingredient in marijuana, has some value). At the very least, recent events will focus more critical scrutiny on government statements. When McCaffrey presents his evidence of the "inevitable result of the referenda," he will have to work to convince his audience.

Yale Law School Professor Steven B. Duke suggests that if the public sees more and more people using marijuana medically and testifying to its value, they may rethink their position on it. "There might be a recognition as well that the government is lying in other areas of drug policy, too," says Duke, co-author of *America's Longest War: Rethinking Our Tragic Crusade Against Drugs.* "Among prohibitionists, there's a sense that if you give an inch, you lose everything. That's certainly the case with [opponents] of medical marijuana." Ironically, the failure to compromise on a relatively noncontroversial topic such as medical marijuana could open the door to a much broader rejection of the drug war.

It is in this sense that the initiatives have, as Arizona's John Sperling puts it, made the "debate on legalization possible." What shape it will take and what ends it will achieve are far from certain. Judging from poll data, there is currently little support for legalization. But as the passage of Props. 200 and 215 forces prohibitionists to justify their policies, and the country's experience with the open medical use of illegal substances gets underway, that debate should prove to be one full of possibilities.

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The MANy FacEs of Newt GiNgRich

A House Speaker divided

I know perfectly well my own egotism,
And know my omnivorous words, and cannot say any less,
And would fetch you whoever you are flush with myself.
—Walt Whitman, *Leaves of Grass*

Newt Gingrich likes to present audiences with a puzzle: Draw three rows of three dots each and, without lifting pencil from paper, draw four lines that cover all nine dots. Those who quit in frustration are surprised that one can solve the puzzle easily—by going outside the box. In a House speech, Gingrich once explained, "[Y]ou say to them, pointing back to the original nine dots, you say, 'What box? What perimeter? What limits?' "

Newt Gingrich is always trying to go outside the dots. As he once told Adam Clymer of *The New York Times*, "I had set out to do a very unusual job, which was part revolutionary, part national political figure, part Speaker, part intellectual." His detractors believe such statements reveal him as both an egotist and an undisciplined dabbler unwilling to acknowledge constraints on his visions. His admirers prefer to think of him as "Whitmanesque" (Walt, not Christine).

By John J. Pitney Jr.

Either way, his leadership style is subject to sharp changes in direction. During the past two years, the congressional agenda reflected his war on the welfare state and his use of the balanced budget as a goal to focus his troops. This time, things may be different. "If the last Congress was the 'confrontation Congress,' " he told the House GOP in November, "this Congress will be the 'implementation Congress.' "

To understand such shifts, and to anticipate his agenda, one has to look at Gingrich from several perspectives. He is a self-described conservative who departs from conservative ideology, a Tofflerian futurist who has sometimes allied himself with Al Gore, a disciple of Peter Drucker who often neglects Drucker's maxims, a warrior who speaks of conciliation, and a political pragmatist who made his name as an ideologue.

The Un-Conservative

I find one side a balance, and the antipodal side a balance;
Soft doctrine as steady help as stable doctrine;
Thoughts and deeds of the present, our rouse and early start.

Newt Gingrich is not a conservative.

In 1983, explaining the moral of his favorite puzzle, he said that "just as the liberals have been trapped in the nine dots of bureaucratic solutions of Washington, so conservatives have been trapped in the nine dots of penny-pinching and negativism." Gingrich may have been thinking of the Burkean conservatism of incremental change, which he rejects in favor of revolutionary rhetoric. "Revolutions have to occur fast or not at all," he wrote in 1984. "Revolutions have to occur fast because they represent a fundamental break with the paradigm and power structure of the past."

If Gingrich is not a Burkean, neither is he a social conservative in the vein of Ralph Reed. When he discusses God, his references come not from Scripture but from Thomas Jefferson, who was a Deist. When he advocates school prayer, his argument is more sociological than theological: "It goes to the core of why Alcoholics Anonymous starts with the belief in a Supreme Being." Paul Weyrich, a leading social conservative, explained in a PBS interview: "When I hear about an issue, or when I'm considering a policy, the first question I ask is, 'Does this conform to the Judeo-Christian teachings on whatever subject it is we're talking about?' He does not start at that point. He starts at a different point. Is this good for the country? Is this good for the Republicans? Is this going to strengthen his majority?"

Even as a Republican who opposes gay marriage, Gingrich has long voiced tolerance for cultural differences. In his 1971 doctoral dissertation on Belgian education policy in the Congo, he criticized an influential 1921 book by a Catholic priest, who called for abolishing African adultery. "His definition of adultery was Christian and therefore monogamous," Gingrich wrote. "Yet the very basis of some African societies was polygamy. Eliminating the incredibly complex family relationships meant destroying the essence of tribal stability in many regions of Central Africa." Gingrich also expressed his tolerance on a personal level by allying himself with Wisconsin Rep. Steve Gunderson, until recently the only openly gay Republican in Congress. For social conservatives, then, Gingrich is not a true believer.

He is not really an economic conservative either, notwithstanding his pursuit of budget cuts. Unlike Majority Leader Dick Armey, who has a Ph.D. in economics, Gingrich often disparages the dismal science, with Hayek and Friedman conspicuously absent from his many lists of required readings. Gingrich's quest for solutions outside the "nine dots" is a classic case of what Thomas Sowell calls "the unconstrained vision," which denies the tradeoffs that are inevitable in conservative economic thought.

More important, Gingrich has often praised big government. In 1983, he said his philosophy could "involve very activist government," and he cited such GOP precedents as the trans-

continental railroad. When a liberal interviewer once asked about problems with private enterprise, he said: "Oh yeah. But see, I'm not a libertarian. I say it pretty clearly in the book [*Window of Opportunity*]. I am not for untrammeled free enterprise. I am not for greed as the ultimate cultural value."

So if Gingrich is not a traditionalist, a social rightist, or an economic conservative, what is he?

In a 1989 interview with Ripon Forum, Gingrich suggested the answer: "There is almost a new synthesis evolving with the classic moderate wing of the party where, as a former Rockefeller state chairman, I've spent most of my life, and the conservative/activist right wing." In important ways, the Gingrich Republicanism of the 1990s echoes the liberal Republicanism of the 1960s.

Those Republicans stood out by their commitment to civil rights, a position that appealed to Gingrich. Even as an undergraduate political activist at Emory University, he denounced the racism of Georgia Democrats and urged Republicans to court black voters. In 1979, his first entry in the *Congressional Record* marked Martin Luther King's birthday. During the 1980s, Gingrich supported sanctions against South Africa's apartheid regime.

Civil rights leaders may attack Gingrich's stands, but one can still detect signs of his 1960s liberalism. In his inaugural address, he said, "The greatest leaders in fighting for an integrated America in the 20th century were in the Democratic Party." In the 104th Congress, he squelched a full-scale assault on affirmative action, arguing that the GOP should spend "four times as much effort reaching out to the black community to ensure that they know they will not be discriminated against, as compared to the amount of effort we've put into saying we're against quotas and set-asides."

In the 1960s and '70s, liberal Republicans stood in the vanguard of the environmental movement. (Rockefeller's interest was proprietary, since his family owned much of the planet.) Gingrich has carried this tradition to Congress, trying to soften the party's "anti-green" image. His November speech to the House Republicans nicely captured his attitude: "As Americans we should not accept a tradeoff which says you're either for bureaucrats bullying citizens or you're for killing off endangered species. We are for endangered species being saved, and we're for American liberties being saved. We're for the right technologies for the environment and the right opportunities for the economy. And yes, that takes creativity, but that's why we were elected: to be creative, not just coercive. And we're going to solve both."

This tack is reminiscent of the liberal Republicans' public policy approach, which faulted the Great Society less for its lofty aims than for its unresponsive bureaucracies. In his doctoral dissertation, Gingrich was already thinking that way. "Belgian colonialism was in fact a model of technocratic government," he said, concluding that "the dream of technocratic planning had all too many hidden limitations and so became a nightmare." Substitute "Washington bureaucracy" for "Belgian colonialism," and you have the makings of a Gingrich floor speech.

During the 1960s, Ripon Republicans advocated early versions of proposals such as enterprise zones, which they said would lead to an "opportunity state." In the 1980s, Gingrich changed the term to "opportunity society" and used it to sum up his guiding notions: devolving power and programs to states and localities; privatizing government functions wherever possible; replacing red tape with economic incentives; and reforming government to make it more accessible.

ILLUSTRATIONS: CHIP BOK

If this description sounds like Clintonism, don't be surprised. Clinton, after all, has cribbed much of his rhetoric from Gingrich. (See "The Adventures of 'But-Man,'" November 1996.) As Gingrich adopts a more cooperative attitude toward the administration, expect to see agreements on modest steps to improve federal performance. In the spirit of the Reinventing Government initiative, Gingrich told the House GOP, "I believe we can overhaul the mid-level bureaucracy of the Pentagon and that our goal should be to turn the Pentagon into a triangle by reducing at least 40 percent of the unnecessary duplication and waste that's in the system." (Here he was going outside the "nine dots" of traditional geometry.)

Gingrich's principles will run into problems. Cutting elements of the Pentagon budget might make sense, but there will be tradeoffs in the military's capabilities. More broadly, the GOP

Gingrich is both historian and futurist. In high school, he read Toynbee's *A Study of History* as well as the *Foundation* trilogy, in which Isaac Asimov recast the Roman Empire as a space-based civilization. As a House member, Gingrich made the trilogy required reading for his aides. As he explained to aide Frank Gregorsky, "[W]hat I'm trying to convey to you is that I'm a figure who thinks in terms of 100-year increments, and I think in terms of civilization's rising and falling over 500-year increments."

agenda is not entirely consistent. Rep. Christopher Shays (R-Conn.) admitted to reporter Elizabeth Drew that Republicans "have some conflicting interests, and we want block granting and freedom for local and state governments when it fits our agenda, and we want restrictions when that fits our agenda."

The Futurist

Chanter of Personality, outlining what is yet to be,
I project the history of the future.

Gingrich is both historian and futurist. In high school, he read Toynbee's *A Study of History* as well as the *Foundation* trilogy, in which Isaac Asimov recast the Roman Empire as a space-based civilization. As a House member, Gingrich made the trilogy required reading for his aides. As he explained to aide Frank Gregorsky, "[W]hat I'm trying to convey to you is that I'm a figure who thinks in terms of 100-year increments, and I think in terms of civilization's rising and falling over 500-year increments."

Asimov's main character, Hari Seldon, is a "psychohistorian" who forecasts his civilization's decline and devises a way to hasten its renewal. Gingrich summed up the underlying concepts: "The premise was that, while you cannot predict individual behavior, you can develop a pretty accurate sense of mass behavior... [Yet] Asimov did not believe in a mechanistic world. Instead, to Asimov, human beings always hold their fate in their own hands."

Another important influence on Gingrich has been the work of Alvin Toffler, author of *Future Shock* (1970) and *The Third Wave* (1980). Just as the world shifted from agricultural civilization ("The First Wave") to industrial civilization ("The Second Wave"), says Toffler, now it is shifting to a civilization based on knowledge and information ("The Third Wave"). According to Gingrich, "the information age means more decentralization, more market orientation, more freedom for individuals, more opportunity for choice, more capacity to be productive without controls by the state." One passage in *Future Shock* helps explain futurism's political value: "As we move from poverty toward affluence, politics changes from what mathematicians call a zero-sum game to a non-zero sum game....A system for generating imaginative policy ideas could help us take maximum advantage of the non-zero opportunities ahead." Technology will not just settle problems, it will transcend them—a painless solution to the nine-dot dilemmas of public policy.

Applying this idea to health care, Gingrich told his colleagues in November that "we represent better care with better science through better participation, so you have a better quality of life at lower cost. And frankly, I think we as a party can do an immense amount...at dramatically expanding the opportunities for the American people, and in the process, both improving the quality of life and lowering the cost to the taxpayers." In the 105th Congress, look for GOP initiatives on medical research and "wellness" programs.

This example, however, highlights a problem with the futurist approach. According to Charles Krauthammer, a centrist commentator with an M.D., Gingrich's optimism about costs is "nonsense on stilts." High-tech medicine extends lifespans, thereby increasing the ranks of the elderly, who need costlier treatments. In this case as in others, futurism downplays tradeoffs.

By encouraging government planning, futurism may also spawn bureaucracy. As a House member, Al Gore sponsored legislation to establish an Office of Critical Trends Analysis that would have prepared reports on "critical trends and alternative futures," with the help of an Advisory Commission on Critical Trends Analysis. His bill's co-sponsor was Newt Gingrich.

Both should have remembered what Hayek wrote: "Human reason can neither predict nor deliberately shape its own future. Its advances consist of finding out where it has been wrong."

THE EXECUTIVE AND ENTREPRENEUR

I hear it was charged against me that I sought to destroy institutions;
But really I am neither for nor against institutions;
(What indeed have I in common with them?—Or what with the destruction of them?)

Gingrich has often acknowledged his debt to the works of management scholar Peter Drucker, especially *The Effective Executive* (1966). During one of his college lectures, Gingrich rhetorically asked how he could do so many things at once. "And the answer is this book," he said. "This book taught me a quarter century

ago how to systematically discipline, plan, think through, delegate, trust others to build a system." Anyone who knows Gingrich's career will find familiar concepts in *The Effective Executive.* For instance, Drucker's "rules for identifying priorities" embody much of Gingrich's style: "Pick the future as against the past....Focus on opportunity rather than on problem.... Choose your own direction rather than climb on the bandwagon....Aim high, aim for something that will make a difference, rather than for something that is 'safe' and easy to do."

In his pre-leadership years, Gingrich always aimed high. Rather than embracing the "minority mentality," he sought ways to make the House GOP the majority. After the 1982 elections, he helped form the Conservative Opportunity Society, a new kind of congressional organization that sought to sharpen partisan distinctions and communicate the GOP message to the C-SPAN audience.

Gingrich was not merely tinkering with partisan tactics but creating a new, Gingrichian politics. "There are two ways to rise," he once said. "One is to figure out the current system and figure out how you fit into it. The other is to figure out the system that ought to be, and as you change the current system into the system that ought to be, at some point it becomes more practical for you to be a leader than somebody who grew out of the old order."

Gingrich could accomplish this goal because he observed another Drucker maxim: "Know thy time." That is, simply stop doing things that eat up work days without yielding results. As a backbencher, Gingrich chose to forgo the legislative detail work that consumes so many other members. Since the majority Democrats ignored GOP ideas anyway, Gingrich reasoned, why go through the motions?

After he became speaker, however, he let his self-confidence eclipse Drucker's advice about time. He took on too many duties, and when he got over-tired, he made serious mistakes. Thus he illustrated another Drucker saying: "Strong people always have strong weaknesses, too. Where there are peaks, there are valleys." Later on, he tried to rise from the valley by delegating more duties to Majority Leader Armey.

The first year of Gingrich's speakership saw harsh partisan struggles over the budget and social policy. Why did he begin by taking such a hard line? A passage from *The Effective Executive* explains that "one must start with what is right rather than what is acceptable because one must eventually compromise. But if one does not know what is right to satisfy the specifications and boundary conditions, one cannot distinguish between the right compromise and the wrong compromise—and will end up by making the wrong compromise."

In 1996, Gingrich and the Republicans did compromise on issues such as health and welfare reform. Because of their initial firmness, they argue, they ended up with the "right" compromises. Some conservatives would reply that the GOP "revolution" made the wrong compromises, leaving too much of the welfare state intact. They would quote another passage from Drucker: "The surgeon who only takes out half the tonsils or half the appendix risks as much infection or shock as if he did the whole job. And he has not cured the condition, has indeed made it worse."

In the next session of Congress, conservatives on Capitol Hill may hesitate to cede quite so much power to Gingrich, since they have seen that his valleys can dip very low indeed. Instead, some may turn to Senate Majority Leader Trent Lott, who lacks Gingrich's zigzag brilliance but wields power with a steadier hand.

The Warrior

Adieu, dear comrade!
Your mission is fulfill'd—but I, more warlike,
Myself, and this contentious soul of mine,
Still on our own campaigning bound...

Like all politicians, Gingrich uses military terminology. (After all, words such as *campaign* and *strategy* were born on battlefields.) Unlike most other political figures, he seriously thinks about applications of military analysis. In his first successful congressional race, he told a group of College Republicans: "A number of you are old enough to have been platoon leaders, or company commanders, depending on the situation, and how rapidly you move up in rank. This is the same business. We're just lucky, in this country, we don't use bullets, we use ballots instead. You're fighting a war. It is a war for power."

This mindset manifests itself in very concrete ways. Throughout 1995, Gingrich sent House Republican leaders and their aides to the U.S. Army Training and Doctrine Command centers in Virginia and Kansas. He reportedly asked military officers to prepare training materials for House Republicans and conduct "after-action reviews" of legislative maneuvers. Upon their disclosure, these practices exposed Gingrich's flank to Democratic attack. (See how easy it is to slip into military language?)

His model for long-range planning—"vision, strategy, projects, and tactics"—comes from military literature. Civilians may not always associate "vision" with olive-drab uniforms, but the idea is essential to soldiering. Clausewitz wrote that an indispensable quality for a military leader is "intellect that, even in the darkest hour, retains some glimmerings of inner light which leads to truth."

Gingrich's strategic vision reflects the influence of the ancient Chinese warrior Sun Tzu, who taught: "Anger [the opposing] general and confuse him....Keep him under a strain and wear him down." These proverbs encouraged Gingrich in his one-on-one battles with Democratic leaders. Tip O'Neill's famous 1984 outburst on the floor, a reaction to Gingrich attacks, confirmed ancient advice: "If the enemy is obstinate and prone to anger, insult and enrage him, so that he will be irritated and confused, and without a plan will recklessly advance against you."

Verbal attacks serve another purpose. Military leaders try to fire up their troops by telling them about the evils the enemy has committed and the even greater horrors that the enemy would perpetrate if it won. In the long march to the speakership, Gingrich took this approach against the Democrats. In 1988, he blamed Supreme Court nominee Robert Bork's defeat on a liberal smear campaign, adding: "The Left at its core understands in a way Grant understood after Shiloh that this is a civil war, that only one side will prevail, and that the other side will be relegated to history. This war has to be fought with the scale and

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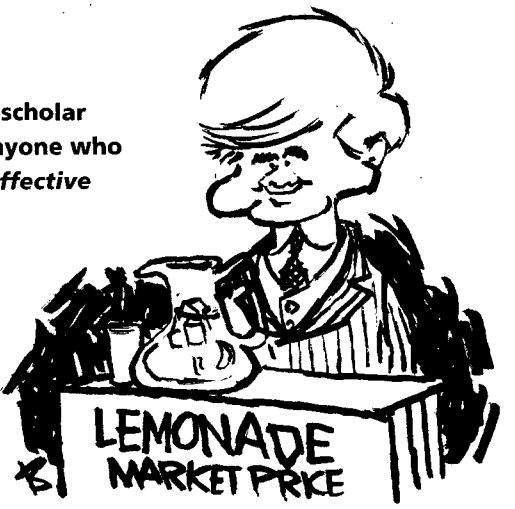

duration and savagery that is only true of civil wars. While we are lucky in this country that our civil wars are fought at the ballot box, not on the battlefield, nonetheless it is a true civil war."

While Gingrich is sticking to his military planning model, the harsh publicity of 1995 and 1996 has prompted him to make his rhetoric a little more pacifistic. But in 1997, he may find the other side unwilling to call off the war. Liberal Democrats have taken every opportunity to attack his ethics and undercut his leadership, and they show no signs of letting up. In describing this strategy, Rep. George Miller (D-Calif.) himself used a military analogy: "Newt is the nerve center and the energy source. Going after him is like trying to take out command and control."

The Pragmatist

Do I contradict myself?
Very well, then, I contradict myself;
(I am large—I contain multitudes.)

"I think Newt's always been supremely pragmatic," says former Conservative Opportunity Society ally Vin Weber. "[F]or a long time, [that] simply meant keeping your mouth shut and going along. If *pragmatic* is defined more literally as doing what it takes to succeed, Newt's always been pragmatic." Newt Gingrich is a risk taker, but he is also a practicing politician. In 1986, he acknowledged that "you can trim some programs and you can kill some programs, but the first duty of a political coalition is to sustain its majority."

This pragmatism has cropped up on a number of issues.

In *Window of Opportunity*, Gingrich singled out the United Auto Workers as a praiseworthy, progressive union. He also wrote: "There are times and places when specific protectionist steps are appropriate: protectionism can defend an industry vital to national defense, can buy time for an industry to make adjustments to a sudden change in its environment, and can bludgeon a trading partner to force it to engage in fair trade." These comments, which clashed with GOP skepticism toward unions and its free trade ideology, reflected local concerns: Gingrich's district at the time included two auto plants, and protectionist sentiment was running high in Georgia.

In 1985, Gingrich persuaded Delta Air Lines to take reservations for Air Atlanta, the largest black-owned airline. Reporter Nicholas Lemann said: "Many conservatives would recoil in horror at the thought of politicians pressuring a company into a decision for reasons of race rather than efficiency; in the conservative movement racial quotas, minority business set-asides, and the like are at the top of the list of evils right now." In this case, Gingrich's intervention served two practical purposes: improving the GOP's image in the black enterprise community and serving a local business interest.

In 1992, during a difficult primary, Gingrich argued that Republicans should support him because he could bring home more federal benefits. Columnist George Will observed, "Gingrich may have saved his career as a professional legislator, but he ended his career as the scourge of the 'corruption' of the welfare state in the hands of career legislators." When an interviewer presented him with such examples of position shifting, he responded: "Oh, you can find more examples of chameleon-like behavior like that. Look, I believe in pragmatism. But it's tautological. Conservatism works. The work ethic works. Strength works. The free market works. Focusing on learning works. Preventive health works. So I can tell you with a straight face I am pragmatic, and as a result I am driven to conservatism. But I am not dogmatic. I think if non-conservatism works, I'll look at it, too. It just doesn't work as well."

Such pragmatism is fine for a split-the-difference Republican such as Bob Dole or Bob Michel, but it is a most peculiar attitude for a revolutionary. Try to picture Lenin saying, "If czarism works, I'll look at it."

Pragmatism also holds a more immediate political risk. In 1992, Gingrich told Republican congressional candidates in Georgia not to pledge their support to the unpopular George Bush in case a three-way election went to the House. In 1996, he told marginal Republican incumbents to "do what gets you re-elected," even if that meant ignoring Bob Dole. If the Democrats score direct hits on Gingrich over ethics or other issues, he will be looking for allies. He may not find them among Republicans who have fully absorbed his lessons about pragmatism.

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DANCES with MYTHS

ARCHIVE PHOTOS

Half-truths about American Indians' environmental ethic obscure the rational ways in which they have lived with and shaped the natural world.

by Terry L. Anderson

Hollywood images and romantic environmentalism would have us see American Indians as so in harmony with nature they left no mark on it. A Sierra Club book about forestry claims, "For many thousands of years, most of the indigenous nations on this continent practiced a philosophy of protection first and use second of the forest." According to former Secretary of the Interior Stewart Udall, "The Indians

were, in truth, the pioneer ecologists of this country." Calling for an environmental ethic patterned after that of Native Americans, Sen. John H. Chafee (R-R.I.) quoted words allegedly spoken by 19th-century Indian Chief Seattle: "Man did not weave the web of life. He is merely a strand of it."

This image of a Native American environmental ethic, however appealing, is more myth than reality. The actual history of Native American resource use does not always mesh with the spiritual environmental ethos attributed to them. By focusing on myth instead of reality, environmentalists patronize American Indians and neglect the lessons of their rich institutional heritage encouraging resource conservation.

This image of a Native American environmental ethic, however appealing, is more myth than reality. The actual history of Native American resource use does not always mesh with the spiritual environmental ethos attributed to them. By focusing on myth instead of reality, environmentalists patronize American Indians and neglect the lessons of their rich institutional heritage encouraging resource conservation.

The impression that American Indians were guided by a unique environmental ethic often can be traced to the speech widely attributed to Chief Seattle in 1854. But Chief Seattle never said those oft-quoted words. They were written by Ted Perry, a scriptwriter, who acknowledged paraphrasing a translation of the speech for a movie about pollution. According to historian Paul Wilson, Perry's version added "a good deal more, particularly modern ecological imagery." For example, Perry, not Chief Seattle, wrote that "every part of the Earth is sacred to my people." (Perry, by the way, has tried unsuccessfully to get the truth out.)

The speech reflects what many environmentalists want to hear, not what Chief Seattle said. The poignant and romantic image created by the speech obscures the fact, fully acknowledged by historians, that American Indians transformed the North American landscape. Sometimes these changes were beneficial, at other times harmful. But they were almost always a rational response to abundance or scarcity.

For example, where land was abundant, it made sense to farm extensively and move on. Indians would commonly clear land for farming by cutting and burning forests. After clearing, they would farm the fields extensively until they depleted soil fertility; then the Indians would clear new lands and start the process again. From New England to the Southwest, wherever Indian populations were dense and farming was intense, deforestation was common. Indeed, the mysterious departure of the Anasazi from the canyons of southeastern Utah in the 13th century may have been due to their having depleted the wood supplies they used for fuel.

Similarly, where game was plentiful, Indians used only the choicest cuts and left the rest. When the buffalo hunting tribes on the Great Plains herded hundreds of animals over cliffs in the 18th and early 19th centuries, tons of meat were left to rot or to be eaten by scavengers—hardly a result consistent with the environmental ethic attributed to Indians. Samuel Hearne, a fur trader near Hudson's Bay, recorded in his journal in the 1770s that the Chipewayan Indians would slaughter large numbers of caribou and musk ox, eat only a few tongues, and leave the rest to rot.

Indians also manipulated the land to improve hunting. Upland wooded areas from east to west were burned to remove the undergrowth and increase forage for deer, elk, and bison. Indeed, because of this burning, it's possible that fewer "old growth" forests existed in the Pacific Northwest when the first Europeans arrived than exist today. In some cases, however, the improvements sought by burning were short term, because anthropogenic fire altered the succession of forests. In the Southeast, for example, oak and hickory forests with a higher carrying capacity for deer were displaced by fire-resistant longleaf pine that support only limited wildlife. Biologist Charles Kay concludes that "Native Americans were the ultimate keystone species, and their removal has completely altered ecosystems, not only in the Intermountain West but throughout North America."

Generally the demand for meat, hides, and furs by relatively small, dispersed populations of Indians put little pressure on wildlife. But in some cases game populations were overharvested or even driven to extinction. Anthropologist Paul Martin believes that the extinction of the mammoth, mastodon, ground sloth, and the saber-toothed cat directly or indirectly resulted from the "prehistoric overkill" by exceptionally competent hunters.

Historian Louis S. Warren drives the final nail in the coffin of the "living in harmony with nature" myth: "[T]o claim that Indians lived without affecting nature is akin to saying that they lived without touching anything, that they were a people without history. Indians often manipulated their local environments, and while they usually had far less impact on their environments than European colonists would, the idea of 'preserving' land in some kind of wilderness state would have struck them as impractical and absurd. More often than not, Indians profoundly shaped the ecosystems around them."

Of course, shaping doesn't have to mean despoiling. Whether this shaping encouraged conservation depended, for Indians as for humans everywhere, on the incentives created by the extant system of property rights. The historical American Indians did not practice a sort of environmental communism in tune with the Earth; yesterday, as today, they recognized property rights.

Today we refer to "Indian nations," but this term mostly reflects the U.S. government's desire to have another government with which to negotiate. In fact, Indian tribes were mainly language groups made up of relatively independent bands with little centralized control except at specific times when they might gather for ceremonies, hunts, or wars. And after the horse allowed small bands to efficiently hunt buffalo, even that level of centralization diminished.

Just because Indians lacked modern concepts of government doesn't mean they lacked rules. American Indian tribes produced and sustained abundant wealth because they had clear property rights to land, fishing and hunting territories, and personal property. Pre-Columbian Indian history is replete with examples of property rights conditioning humans' relations with the natural environment.

In the Pacific Northwest, Indians had well-defined rights to spawning streams. The Indians' technology was so efficient they could have depleted salmon stocks, but they realized the importance of allowing some of the spawning fish to escape upstream.

Where land was scarce and making it productive required investments, private ownership by family units was common. Families among the Mahican Indians in the Northeast possessed hereditary rights to use well-defined tracts of garden land along the rivers. Europeans recognized this ownership, and deeds of white settlers indicate that they usually approached lineage leaders to purchase this land. Before European contact, other Indian tribes recognized Mahican ownership of these lands by not trespassing.

In the Southeast and the Southwest, private ownership of land was also common. "The Creek town is typical of the economic and social life of the populous tribes of the Southeast," writes historian Angie Debo. "[E]ach family gathered the produce of its own plot and placed it in its own storehouse. Each also contributed voluntarily to a public store which was kept in a large building in the field and was used under the direction of the town chief for public needs." The Havasupai and Hopi also recognized private ownership of farmland as long as it remained in use. Clans identified their fields with boundary stones at each corner with their symbols painted on them.

Fruit and nut trees that required long-term investment and care were privately owned and even inherited. In one case a Northern Paiute Indian reflected that his father "paid a horse for a certain piñon-nut range," suggesting that the property rights were valuable and could be traded. Among Indians in California, families owned piñon, mesquite, screw-bean trees, and a few wild-seed patches, with ownership marked by lines of rocks along the boundaries. Though owners would sometimes allow others to gather food during times of abundance, trespass was not tolerated. John Muir, founder of the Sierra Club, even reports that the owner of a piñon tree killed a white man for felling his tree.

Throughout North America, Indians dependent on hunting and fishing had well-defined territories within which they practiced wildlife conservation. Hunting groups among the Montagnais-Naskapi of Quebec between Hudson Bay and the Gulf of St. Lawrence recognized family and clan hunting areas, particularly for beaver when it became an important trade item. Quoting Indian informants, anthropologists Frank Speck and Wendell Hadlock report that, for New Brunswick, "It was...an established 'rule that when a hunter worked a territory no other would knowingly or willfully encroach upon the region for several generations.' Some of the men held districts which had been hunted by their fathers, and presumably their grandfathers." They even had a colloquial term that translates to "my hunting ground." The Algonkian Indians from the Atlantic to the Great Lakes also had family hunting territories that passed from generation to generation. In these tracts, families sustained harvestable game populations by deliberate rotation systems. The Paiute Indians of the Owens Valley in California hunted together in groups with well-defined territories bounded by mountains, ridges, and streams. Distinct Apache bands had their own hunting grounds and seldom encroached on other territories.

In the Pacific Northwest, Indians had well-defined rights to spawning streams. To capture salmon returning from the ocean

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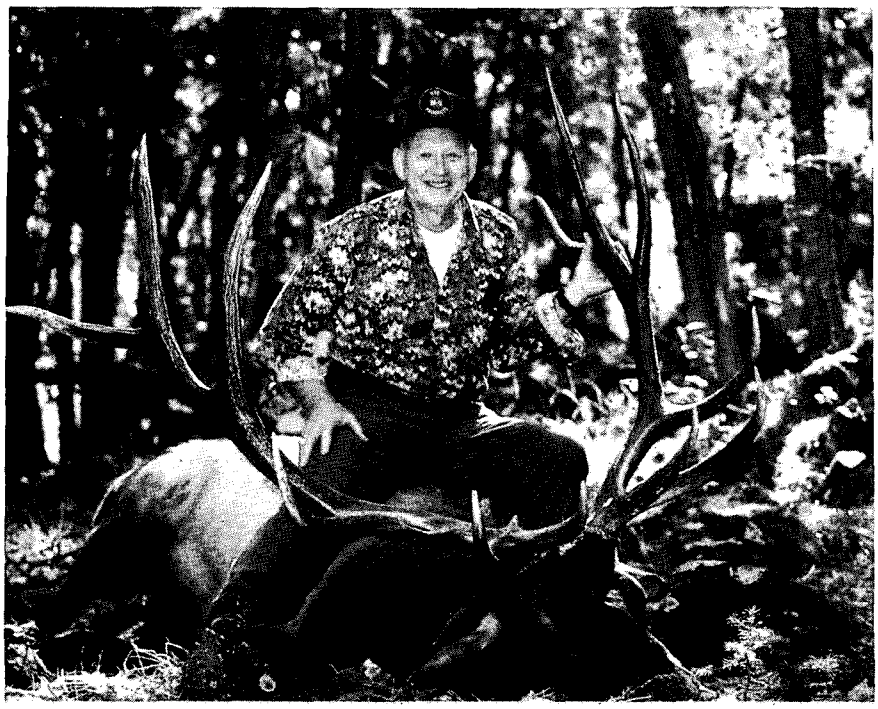

The White Mountain Apache of east-central Arizona have shown what can happen if you pay attention to incentives. This tribe is managing its trophy elk population and other wildlife opportunities on a sustainable basis—and making a profit. From 1977 to 1995, nontribal hunters have bagged 90 bull elk that made record books.

JOHN CAID

to spawn in freshwater streams, they placed fish wheels, weirs, and other fixed appliances at falls or shoals where the fish were naturally channeled. The Indians' technology was so efficient they could have depleted salmon stocks, but they realized the importance of allowing some of the spawning fish to escape upstream.

Relying on salmon as their main source of food, then, the coastal Tlingit and Haida Indians established clan rights to fishing locations where salmon congregated on their journey to spawning beds. (They also had rights to bear and goat hunting areas, berry and root patches, hot springs, sea otter grounds, seal and sea lion rocks, shellfish beds, cedar stands, and even trade routes.) The management units could exclude other clans or houses from their fishing territories. Management decisions were generally made by the yitsati, or "keeper of the house," who had the power to make and enforce decisions regarding harvest levels, escapement, fishing seasons, and harvest methods.

Indian salmon fishing rights stand in sharp contrast to the white man's law that supplanted them. When Europeans arrived on the Columbia River, they ignored Indian rights and simply placed their nets at the mouths of rivers, leaving no fish to spawn. To counter the overfishing, nets were outlawed at the beginning of the 20th century and ever since, fishermen have been encouraged to chase salmon around the open ocean in expensive boats equipped with sophisticated gear. The result is what economic historian Robert Higgs has called the "legally induced technical regress in the Washington salmon fishery."

Private ownership encouraged investment and production in personal property as well. The tepee of the Plains Indians, for example, was owned by the woman who might spend weeks or months collecting, scraping, tanning, and sewing together eight to 20 buffalo hides for the completed shelter. Time spent chipping arrowheads, constructing bows and arrows, and weaving baskets was rewarded with private ownership of the completed capital equipment.

The horse was the most vivid example of the benefits of private ownership to the American Indian. Acquired by Plains Indians in the latter half of the 18th century, the horse offered them a life of abundance. With the horse they could follow the vast buffalo herds and ride into the herd to harvest as many animals as they wanted. The horse became one of the Indian's most important sources of wealth. In Canada in the early 1800s, a buffalo horse cost more than 10 guns—a price far higher than any other tribal possession. A turn-of-the-century account of a wealthy Blackfoot man describes it as a "fine sight to see one of those big men among the Blackfeet, who has two or three lodges, five or six wives, twenty or thirty children, and fifty to a hundred horses; for his trade amounts to upward of $2,000 a year." Converting this amount to current dollars, such a man had an annual income of approximately $500,000.

Just as private ownership encouraged resource conservation, positive rewards encouraged investment in human and physical capital. In the case of rabbit hunts, which required leadership skills and nets for catching the rabbits, the leader and owner of the net garnered a larger share of the catch.

For hunting larger game with bow and arrow, not only did the archer have to spend hours chipping arrowheads, making arrows, and constructing his bow, he had to perfect his shooting and riding skills. The proficient hunter was rewarded for his investment with the buffalo's skin and the choicest cuts of meat. To establish his claim on an animal, the archer marked his arrows with distinctive symbols. Those without horses or without riding and shooting skills assisted in the butchering and thereby earned a right to lower cuts. The Omaha tribe developed an elaborate nomenclature to describe rewards for those who killed and butchered buffalo.

In sum, faced with the reality of scarcity, Indians understood the importance of incentives and built their societies around institutions that encouraged good human and natural resource stewardship. Though ethics and spiritual values may have inculcated a respect for nature, more than mysticism encouraged conservation of scarce resources. Rather, an elaborate set of social institutions that today would be called private property rights

discouraged irresponsible behavior and rewarded stewardship. As historian Louis Warren puts it, "Among other things, Indian history is a tale of constant innovation and change....If there is a single, characteristic Indian experience of the environment, perhaps it is the ability to change lifeways in radical fashion to maintain culture and identity."

Unfortunately, this historic innovation and adaptation have been lost today in a morass of bureaucratic controls emanating from Washington. Throughout Indian reservations, especially in the West, Indians control abundant natural resource and environmental amenities that could be better managed if tribes would return to their rich heritage of positive rewards for good stewardship instead of relying on romantic world views promoted by non-Indian environmentalists.

Wildlife management on Indian reservations offers a distinct contrast between lessons lost and lessons learned from the history of Indian culture and institutions. In many respects, Indians on reservations have tremendous resources. Relying on treaties signed in the 19th century, courts have granted Indians sovereign rights to fish and wildlife, both on and off reservations. Indians have rights to half the harvestable salmon and steelhead in the Pacific Northwest. They may use gillnets not available to non-Indian fishers in the Great Lakes. They may hunt walruses and polar bears without regulation by the state of Alaska. In Wisconsin, they have special hunting privileges on public lands, including an 85-day deer season and the right to hunt from vehicles.

Just because Indians lacked modern concepts of government doesn't mean they lacked rules. American Indian tribes produced and sustained abundant wealth because they had clear property rights to land, fishing and hunting territories, and personal property. Pre-Columbian Indian history is replete with examples of property rights conditioning humans' relations with the natural environment.

On most reservations, however, wildlife managers have lost sight of the value of the sort of private property institutions Indians used to rely on. Modern reservations are often a wildlife "commons" where ownership is only established by killing animals. Often, that policy results in the decimation of wildlife populations. Indian gillnetting for salmon on the West Coast has wiped out major runs of salmon on the Klamath/Trinity river system. An Alaska Fish and Game Department report documented one case of 214 caribou carcasses left to rot and "counted 24 caribou left whole—there was a snow machine track to each one....Most had been there a considerable time."

On most western reservations, big game species are almost nonexistent despite excellent potential habitat. On the Crow Reservation in Montana, for example, very few big game animals such as deer and elk remain. According to a tribal wildlife official, non-Indians are not allowed to hunt on the reservation, but tribal members can hunt all year without limits. The few big game animals there are wander in from outside; they are not managed on a sustainable basis.

Outdoor writer Ted Williams describes what happens when wildlife belongs to everyone until it is harvested: "Over the past 25 years Shoshones and Arapahoes, equipped with snowmobiles, ATV's and high-powered rifles, have virtually wiped out elk, deer, moose and bighorns on the 2.2 million-acre Wind River Reservation in Wyoming. Repeated motions for modest self-regulation emanating from within the reservation have been defeated by vote of the tribal leaders.... [I]n one confined area 31 dead elk were found. In another, a retired Indian game warden mowed down an entire herd of 14. Meat piled up at local dumps. Antlers were exported to the Orient where antlers and horns are ground to a power and hawked as an aphrodisiac."

The White Mountain Apache of east-central Arizona, by contrast, have shown what can happen in Indian country if you pay attention to incentives. This tribe is managing its trophy elk population and other wildlife opportunities on a sustainable basis—and making a profit. The Fort Apache Reservation covers 1.6 million acres—diverse habitat ranging from oak chaparral at lower elevations to mixed coniferous forests at the heights. This habitat supports about 12,000 free-ranging elk.

To get some idea of the success elk hunters enjoy, consider the reservation's track record. From 1977 to 1995, nontribal hunters have bagged 90 bull elk that made either Boone and Crockett or Safari Club record books. In comparison, this is about the same number of record elk taken from the entire state of Montana since record keeping began in 1932. Since 1980, nontribal hunters have enjoyed a 90 to 95 percent success rate. The average score for antlers has been 366 Boone and Crockett points. Such scores are the equivalent of a foursome averaging three under par for a round of golf.

The White Mountain Apaches have a large resource base, prime habitat and, according to reservation biologists, an elk herd whose genetics are ideal for producing trophy elk. But entrepreneurship and incentives have played a pivotal role on Fort Apache.

Before 1977, elk hunting on the reservation was better than on nearby national forest lands, but nowhere near its quality today. At that time, the state of Arizona issued about 700 nontribal hunting licenses, priced at $150 each, for hunting on the reservation. The state permits were required in addition to a tribal license, but the tribe received none of the revenue collected by the state. Each license entitled the bearer to shoot a bull elk regardless of size. Typical of state agencies, this policy maximized the number of hunter opportunities rather than the value of the hunt.

Fortunately for both the tribe and the elk, tribal leaders decided that they could capitalize on the market for trophy elk. In 1977, tribal Chairman Ronnie Lupe, with the backing of the 11-member tribal council, informed the state that the tribe would allow elk hunting without a state permit and would control all hunting and fishing on the reservation. The state opposed this but eventually acquiesced after a federal court decision.

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The tribe's first order of business was to reduce the hunting pressure on immature bulls by ending the general elk hunt and replacing it with the trophy elk hunt. Elk hunting permits were reduced dramatically from 700 under state management to 30, and the price per permit was increased from $150 to $1,500. Revenue from the sale of these reservation permits went to the tribe's general fund.

The trophy elk hunting program blossomed. Mature bulls as a percentage of all bulls increased to 73 percent, and the number of record-book elk taken increased from three in the final six years of state management to eight per season. In addition to promoting trophy elk production, the tribe also designed a fine hunting experience, free from the crowded conditions on public lands.

The tribe tapped into the mother lode of hunter demand. In 1995, revenue from trophy elk hunting totaled well over $850,000. Sixty-six hunters paid $12,000 each for a seven-day trophy hunt. A special auction for four additional openings was also held, with an average winning bid of $24,000 and a high bid of $30,000. In spite of the $12,000 price tag, there is a five-year waiting list of hunters.

Less-expensive hunting opportunities exist too. These offer a way to maintain the proper bull-to-cow ratio in the herd and to manage other wildlife species. For example, the tribe periodically issues 100 antlerless permits priced at $300 each, which have a hunter success rate of 80 percent. The tribe also offers hunting permits for bear ($150), javelina ($75), and wild turkey ($750). It costs $50 per season or $5.00 per day to hunt quail, squirrel, and cottontail rabbits.

In addition to hunting, the tribe manages other resources for amenity values and collects fees. While most reservation lakes and streams are open to bait fishing, certain select waters are restricted to flies and lures. Fish species include native Apache cutthroat, brown, brook, and rainbow trout, and some Arctic grayling. Yearly fishing permits are priced at $80, summer permits at $50, and day permits at $5.00. There is even a rent-a-lake program which allows Cyclone and Hurricane lakes to be rented for $300 a day with a three-day minimum. Fishing rights have proved lucrative, generating $600,000 in revenue in 1995.

When revenue from other services such as camping, boating, river rafting, and photographic safaris are added, amenity-based recreation enterprises generated nearly $2 million in 1995. This is comparable to the tribe's logging operation, casino, and ski resort as an important source of revenue and jobs. Entrepreneurship and management institutions that conserve wildlife have benefited both the White Mountain Apache and the wildlife on the reservation.

American Indian history shows that calls for spiritual awakenings aren't enough for the environment; you need workable institutions that provide positive incentives for good stewardship. Because American Indians adapted their institutions to resource constraints, they were able to sustain life, often in hostile environments. Property rights are an integral part of American Indians' heritage. Refocusing on these institutions, as the White Mountain Apache have done, offers the best way for Native Americans to manage their resources on a sustainable, profitable basis.

Non-Indians also would do well to stop promulgating myths about the Indians as a solution to modern environmental problems. Devolution of authority and responsibility offers the best hope for resource conservation. Rather than shunning property rights solutions for mythical spiritual ones, we should embrace them, as did our Indian predecessors on this continent. ◆

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Advertising and Decadence

It's not all downhill for political ads.

By Brian Doherty

One truism everyone can agree on about this year's presidential election is that the tenor of its advertisements was extremely unlovely—divisive, bitter, *negative.* Dole's campaign whined in September that 90 percent of Bill Clinton's ads were negative. *The Orlando Sentinel* opined that "the ferocity of insults hurled across party lines has steadily intensified to such hateful levels that many voters have been searching for alternative political leadership." Like many complaints about modern America, these laments hark back to a more mannered, moderate, modulated era, when candidates touted their own virtues, not their opponents' vices.

With those complaints ringing in my ears, I took the opportunity on a casual visit to the Museum of Television and Radio in Beverly Hills to check out an anthology tape of old presidential political ads. What I found surprised me. But the impression left by the museum's selections was confirmed by later TV specials offering more examples of old presidential ads: It turns out that the modulated era is today. The presidential political ads of 1996 hold up well in many respects compared to those of the '50s, '60s, and early '70s.

Last election season's negative ads at least broadcast specific gripes —Clinton's record on drugs, Dole's on taxes. In the old days, negative sideswipes tended to be more insidiously suggestive. A case in point: the famous Lyndon Johnson ad showing the charming young girl (you know she's innocent because she can't even count to 10 properly) being nuked. Everyone's seen, or at least heard of, that part. What often doesn't get mentioned is the even stranger concluding voice-over, in which LBJ (or a deeply Southern soundalike) recites portentous poetry, complete with an Auden rip-off. We need, the voice tells us, to "make a world in which all of God's children can live, or to go into the dark. We must either love each other, or we must die." While it's true no politician today is apt to try to crib from one of the modern masters of poetry, neither is anyone apt to suggestively smear their opponent as Dr. Strangelove in a senator suit.

Nor does a modern candidate feel obliged, as Sen. Hubert Humphrey did during his failed presidential run in '68, to run ads that make clear that he supports "the nonviolent majority—these are the people whose voice I want to be." While the pundits who love to decry negative ads portray a political culture that has coarsened terribly, one must admit something has changed for the better now that such a self-defense seems ludicrous and beside the point. The purveyors of public domestic violence are now well-understood to have no champions among major-party political candidates. Hearing Humphrey trumpet such a curious and obvious virtue, one is reminded of the old *Mad* magazine gag where a cookie brand's main selling point is, "Nobody's ever died from eating our brand."

LBJ's famous "daisy" ad: In the old days, negative sideswipes were insidiously suggestive.

In terms of virulent nastiness, some people complained that Clinton's ads ignored Dole veep candidate Jack Kemp, instead continually linking Dole to the much-hated Newt Gingrich as if *he* were Dole's running mate. Those linkages at least had to do with Gingrich's policies—or in the case of Medicare, somewhat twisted interpretations of actual policies. Compare that with the Humphrey ad jabbing at Nixon's running mate, Spiro Agnew. The words "Agnew for Vice President" floated on the screen while voices laughed, and laughed, and laughed. "This would be funny if it weren't so serious," the voice-over intoned.

Those who complain about negative ads claim to want a more sophisticated and moderate political discourse. At the very least, however, today's negative ads are about *politics:* They treat the voter as intelligent, relatively informed, and caring about specific public policies. (It goes without saying, of course, that they try to spin things their candidate's way.) Compare this to the allegedly good ol' days when politicians like Eisenhower and Kennedy were sold with delightful cartoons and sing-songy jingles, making no mention whatever of policies or politics. No national politician could get away with that sort of silliness today, however much more charming it might seem than grainy, artificially black-and-white footage of Clinton goofily offering to try to smoke pot again.

If this year's political ads played on fears—which some most certainly did, especially those dealing with immigration and Medicare—they at least directly connected the fears to specific policies of the opponent: Dole's votes against increasing border agents, Clinton's policies allowing aliens with criminal records to obtain citizenship, Republican attempts to reform Medicare.

In the heady, nervous, crazy days

of America circa 1968–72, however, the citizenry's fears were far more apocalyptic. Nowadays, politicians promise that bad policy results will ensue if their opponents win ("Dole: Wrong in the Past, Wrong for Our Future," "If Clinton Wins, We Lose"). In the late '60s and early '70s, politicians suggested that if you didn't vote for them, all social order would collapse and you'd be attacked or blown up by radicals—probably black radicals, at that.

Nixon's ads featured the ominous slogan, "This time vote like your whole world depended on it," after images of screaming hippies, fire, bloody bodies, public mayhem, soldiers, grenades, and bayonets. And George Wallace—*there* was a politician whose ad mavens knew how to play on fear. Witness his stunning trio of "Why are more and more Americans turning to Governor Wallace?" ads. One features a shot of the back of a school bus slowly dragging away into the far, far distance. One asks, "Why are Americans afraid to walk the streets at night?" and shows a noirish shot of a pair of fine feminine gams click-clacking down a sidewalk, when the streetlight is suddenly, terrifyingly shattered. A third says, "Open a little business and see what might happen." Then, a Molotov cocktail bursts through the window of Village TV Repair, setting it ablaze. One might ask why a states' rights man like Wallace is playing mostly to local issues like street crime; but one has to admit that, in the old days, politicians knew how to be divisive, negative, and play on fears.

Political ads of yore did have some elements that seem more charming, less media-savvy and calculated than today's ads: Five-minute-long shots of Adlai Stevenson and John Kennedy sitting in a drawing room talking politics, complete with unedited gaffes, staring at the floor, and running hands through hair. Barry Goldwater directly addressing the worst character accusations against him, such as the idea that he was rashly imprudent. Kennedy actually discussing color blindness in government as the "one outstanding moral issue" in the campaign. And those cartoons and slogans are cute. Who can forget the song-poem to Adlai Stevenson (and against Dwight Eisenhower), sung to the tune of "O Tannenbaum"? "A soldier's mind is always bound/To think in terms of battlegrounds/But Stevenson/Civilian, son/Will lead us 'til the peace is won."

Yet the entire tenor of American public life was far more apocalyptic and frightened then, especially in the late '60s. For a few reasons: nuclear terror at its height; explosive student unrest and violence; street crime beginning to hit scary levels. In many ways, fixating on the alleged nastiness of politics today is blindness in the service of self-congratulation—you are pure enough to recognize how dirty things are now.

The conventional wisdom was wrong about this year's presidential ads. With their greater emphasis on information and less on cheerleading and vague fearmongering, they had a lot to be proud of—especially compared to their predecessors of decades past. ◆

Brian Doherty (BMDoherty@aol.com) is assistant editor of REASON.

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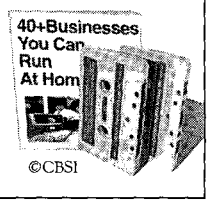

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Judge Gags Rudy and Rupert

First Amendment mugged!

By Michael McMenamin

The First Amendment doesn't need friends like Ted Turner and Time Warner. In case you missed it, New Yorkers last fall had more than the Yankees to entertain them. They also had the spectacle of media titans Turner and Time Warner (which now owns Turner's CNN) squaring off against Rupert Murdoch's News Corporation and its new, 24-hour Fox News Channel. The dispute: Fox News's access to a channel on Time Warner's cable monopoly, which covers 1.1 million of New York's 1.6 million cable subscribers. That battle was many things to many people.

A spectacle? Sure. What else could you call Ted Turner's comparing the two competitors of CNN—Fox News Channel and MSNBC—to the Nazis and Japanese in World War II ("you die in one concentration camp as fast as another"); calling Murdoch a "scumbag" and a "pretty slimy character"; repeatedly comparing Murdoch to Hitler; and accusing Murdoch of having "bought the government of New York [city]"? While Murdoch didn't respond in kind—he never does—his *New York Post* did suggest that either Turner was "veering dangerously toward insanity" or he had "come off the medication he takes to fight his manic depression."

A major business dispute? You bet. Especially when Time Warner, after its acquisition of Turner Broadcasting, allegedly backed out of an agreement to carry the new Fox News service upon Ted Turner's objection.

An antitrust matter? Absolutely. The only monopolies that exist today are those which governments provide, including Time Warner's cable operations in New York City. And the courts say there are things a normal business can do with impunity—like refusing to do business with a competitor of one of its subsidiaries—that a monopolist cannot. That's why Fox sued Time Warner in federal court. That's why New York Attorney General Dennis Vacco opened an antitrust investigation of Time Warner.

A case of political intrigue? Positively. After Time Warner changed its mind about Fox, New York Mayor Rudolph Giuliani joined sides with Fox. He proposed that Time Warner find room for Fox News by moving the History Channel or the Discovery Channel to one of the city's PEG (public, educational, governmental) cable channels, which it controls through its franchise agreements with Time Warner. Time Warner declined, and the mayor decided to run Fox News itself on a city-owned PEG channel. To avoid allegations of favoritism, the city also agreed to carry another news channel shut out by Time Warner, the Bloomberg News Service, which runs business news. Despite this, the mayor's political opponents accused him of a payoff to Murdoch, whose *New York Post* supported Giuliani's mayoral candidacy. Even Turner's wife, Jane Fonda, joined the fray, accusing Giuliani of catering to Murdoch because Fox Channel 5 employs the mayor's wife as a $31,000-a-year reporter.

An unprecedented assault on Time Warner's First Amendment rights? I don't think so. Richard Aurelio, a longtime New York politician and now president of Time Warner's cable subsidiary, claimed it was "the most frightening exercise of political power that I have seen in my career, and I have been in politics and government for 40 years." Maybe it was, or maybe Aurelio is easily frightened. But the only assault on the First Amendment was Time Warner's lawsuit against the city in federal court, where it persuaded Judge Denise Cote, a recent Clinton appointee inexperienced in First Amendment law, to issue an unprecedented—and undoubtedly unconstitutional—prior restraint order against the city's carrying Fox News or Bloomberg News on one of its PEG channels. She later converted the temporary order to an injunction. To true friends of the First Amendment, that is *really* frightening.

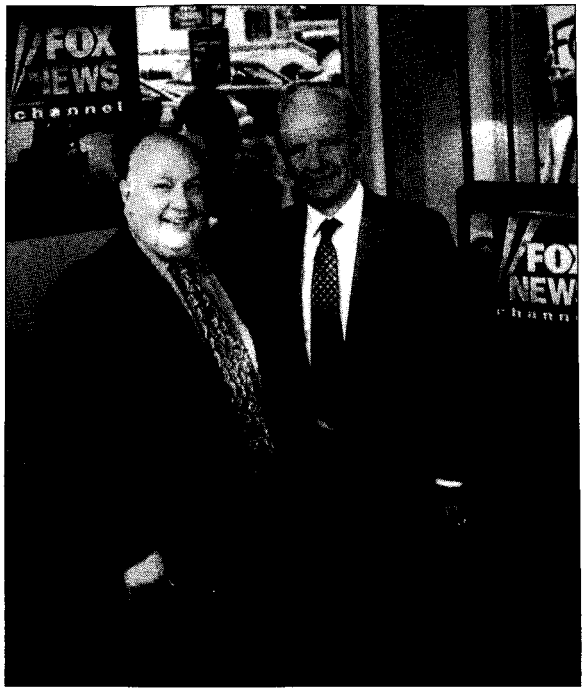
That's where it stands as this article is written. But it won't end there. It will end in one way only: Fox News will be carried on cable in New York. The only questions are when and how. There are several routes to this end. The most likely is a deal between Time Warner and Fox once Time Warner recognizes that access to the satellite transmission facilities of News Corporation in Asia and South America is more important to their bottom line than Ted Turner's demonization of his competitors. Another way is for Time Warner to sell its interest in cable to its partner, US West. Those policies, presumably, would not be influenced by Ted Turner. If neither happens, the federal court system will eventually flush Time Warner's First Amendment claims into the only place they belong and recognize that the city has First Amendment rights, too.

In the meantime, First Amendment freedoms have again been tarnished by a major media player crying "Wolf!" when the only danger was to its economic interests. Unfortunately for friends of the First Amendment, Time Warner co-opted media law heavyweights like Floyd Abrams and James Goodale into parroting its somewhat strained claims that Mayor Giuliani had violated their client's free speech rights by exercising the city's own free speech rights on a city-owned channel.

Here's what Goodale said to *The Wall Street Journal*: "It's a classic First Amendment violation to have the mayor of a city force programming on the citizens of that city....Suppose every mayor in the U.S. takes it upon himself to determine what programming should be carried on their cable system. Would a socialist mayor in, say, Burlington, Vt., mandate socialist programming or a Hispanic mayor of Miami call for Hispanic programming?" Abrams echoed Goodale. The issue, he said, was "Time Warner being compelled to carry

speech which it doesn't want to carry."

Goodale and Abrams are among the country's most respected First Amendment lawyers, having represented such media outlets as NBC, CBS, and ABC, though not Fox. (I have represented media interests also, including the Fox Television affiliate in Cleveland and, on one occasion, CNN and Ted Turner.) Most media coverage of the case has echoed their views and ignored Judge Cote's unprecedented prior restraint against the city's use of its own PEG channels. The only notable exception was Nat Hentoff in *The Village Voice*, a zealous defender of First Amendment freedoms and not especially known as a Giuliani or Murdoch partisan. Unlike Abrams and Goodale, Hentoff is not a lawyer and has no media clients to please or offend. Hentoff may not always be right, but civil libertarians who end up on the side opposite him on a First Amendment issue ought to, at a minimum, recheck their premises. Abrams and Goodale have spent many years of dedicated effort in the service of the First Amendment. But this time, they are dead wrong and Hentoff is right.



Fox News Chairman Roger Ailes and Rupert Murdoch: A federal judge has blocked the city of New York's attempt to carry Fox News on one of its reserved cable channels.

Here's why. Abrams and Goodale have made the common media mistake of thinking that the First Amendment is primarily, if not exclusively, for the benefit of the media, and that in any confrontation between the media and a public body, the First Amendment rights of the media are in jeopardy. Most of the time they would be right. This time they're not, and the reason is that a cable franchise operator is involved. It's not that cable operators don't have First Amendment rights; they do. And, in some ways, their rights are even greater than broadcasters', because they aren't hampered by the bogus "spectrum scarcity" argument that the Supreme Court has used to justify violating broadcasters' First Amendment rights.

Rather, the reason has to do with the nature of the arrangement between a city and a cable operator when it grants the operator a monopolistic right to provide a television service to its residents. When that happens, the 1984 Cable Communications Act permits a city to require the cable operator, as part of its franchise agreement, to set aside PEG channels for the city's use. The city of New York has five such PEG channels for its own use, pursuant to its franchise agreement with Time Warner. In turn, federal law specifically provides that "a cable operator shall not exercise any editorial control over public, educational or governmental use of" PEG channels. Exactly what part of that didn't Time Warner or Judge Cote understand?

It's possible that most media lawyers don't have much experience representing cities in their dealings with cable operators and have little occasion to consider the First Amendment rights of cities and their PEG channels. Time Warner's lawyers don't have that excuse. Fortunately, the Supreme Court recently had occasion to do so with the issue in its June 1996 decision in *Denver Area Educational Television Communications v. FCC*, which held unconstitutional that portion of the 1992 Cable Television Consumer Protection Act which permitted cable operators to censor or prohibit a city from broadcasting sexually explicit programming on its PEG channels. The Supreme Court held that cities with PEG channels at their disposal had their own First Amendment rights, with which the federal government could not interfere. As Justice John Paul Stevens wrote in a concurring opinion, "The federal government has no more entitlement to restrict the power of a local authority to disseminate materials on channels of its own creation, than it has to restrict the power of the cable operators to do so on channels that they own."

If the federal government acting through the Federal Communications Commission can't delegate to cable operators the power to ban sexually explicit programming from PEG channels, then the federal government, in the person of a U.S. District Court judge, cannot delegate to Time Warner the power to ban the Fox News Channel from one of New York City's PEG channels if that is how the city chooses to use that channel. To put it another way, Time Warner has no First Amendment rights at stake if New York City chooses to run Fox News on one of its PEG channels. As Justice Anthony Kennedy said in his concurring opinion in *Denver*, "In providing public access channels under their franchise agreements, cable operators therefore are not exercising their own First Amendment rights. They serve as conduits for the speech of others."

Moreover, there are no restrictions in the cable law on how cities choose to use channels that the Supreme Court has recognized they essentially own. Abrams was wrong when he claimed in a *New York Times* article that the city "may not stray into the commercial area in deciding what to show" on its PEG channels. As Justice Kennedy also observed in his concurring opinion in *Denver*, "Congress has not, in the 1984 Act or since, defined what public, educational or governmental access means or placed substantive limits on the types of programming on those channels."

The franchise agreement between the city and Time Warner is no more specific. The fact is that New York City has used its PEG channels for everything from broadcasting city council meetings to mayoral press conferences to Japanese language shows to Italian language game shows to horse racing. Yes, horse racing. And Time Warner never complained about the horse

AP/WIDE WORLD PHOTOS

racing or anything else on PEG channels, let alone the nudity and sexually explicit programs on the PEG channels open to the public, which the city doesn't control.

So if Giuliani is doing a favor for a political supporter by agreeing to run Fox News on the city's PEG channel, he's only exercising the city's First Amendment rights. The legislative history of the 1984 Cable Act specifically stated that the PEG channels "will mean a wide diversity of information sources for the public—the fundamental goal of the First Amendment —without the need to regulate the content of programming provided over cable."

Unfortunately, Judge Cote spent little time considering the city's rights to use its cable channels. She clearly believed Giuliani was making a payoff to a political supporter, Rupert Murdoch, and she didn't like it, so she had to somehow make Time Warner the injured party.

Here's how she did it—and no, I'm not making this up. If New York City is allowed to carry Fox News on its own channels, it *might* become very popular. If it becomes very popular, then Fox *might* ask the city to take Fox News off the city's channel and *hope* that the absence of Fox News will cause viewers to put pressure on Time Warner to carry Fox News on its own commercial channels. If Fox News is taken off the city channels, Time Warner might feel obligated, both for economic reasons and to keep their viewers happy, to put Fox News on their commercial channels, even though Ted Turner thinks Rupert Murdoch is a disgrace to journalism. And if all these things happen, then Time Warner's First Amendment rights to choose what to run on its cable channels will have been violated by New York's exercise of its own First Amendment rights to do what it chooses with its own channels. So, in the name of the First Amendment, a federal judge has forbidden New Yorkers to see Fox News.

If the people of New York City don't like what Mayor Giuliani has done, they can do something about it at the next election. In the meantime, it should be none of Time Warner's business, much less that of a federal court.

Contributing Editor Michael McMenamin (mtm@walterhav.com) is a lawyer in Cleveland.

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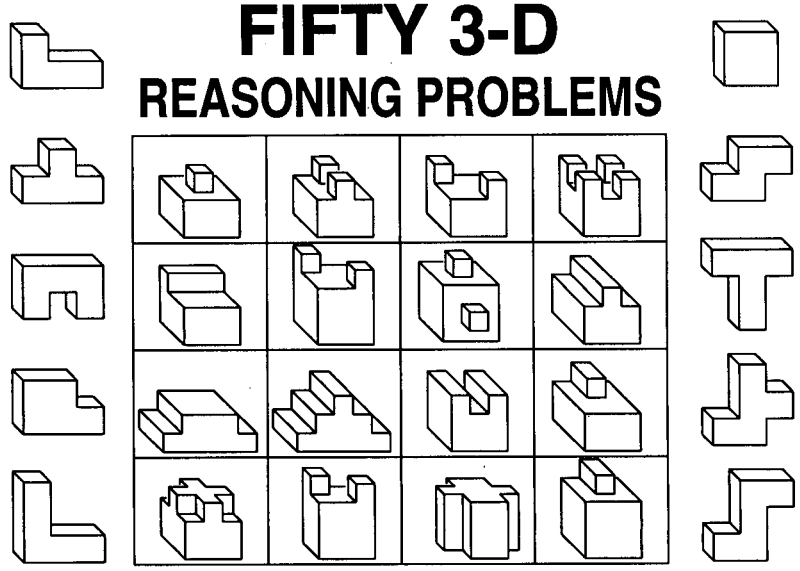

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Contract Killers

Selling out privatization at the INS

By John J. Miller

When they aren't interviewing celebrities or inserting explosives underneath pick-up trucks, television news programs occasionally affect public policy. Last July, ABC News's *20/20* aired a segment called "Selling Out America," which focused on corrupt naturalization proceedings. "Would you believe that some private companies are helping immigrants cheat on the citizenship test?" asked Barbara Walters as she introduced the topic. By September, Congress had convened hearings on the matter. Rep. Mark Souder (R-Ind.) said "serious instances of testing fraud in the citizenship process" had become common. His main witness: a woman featured on *20/20*. Throughout October, Republicans charged the Clinton administration with coercing the Immigration and Naturalization Service to produce record numbers of new citizens (read: likely Democratic voters) by tolerating the type of illegal behavior that *20/20* had exposed.

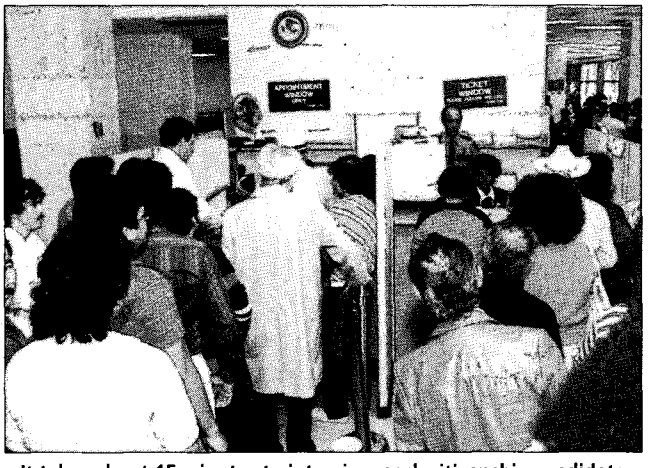
20/20 was onto something. The INS *has* invited an undue amount of fraudulence into the naturalization process. And although the mini-uproar over citizenship may have done some good, it has also sacrificed a surprising and innocent victim: privatization.

First, a little background. More immigrants are becoming citizens today than ever before. Roughly 1 million of them are expected to have naturalized by the end of 1996, up from an average of about 210,000 per year during the 1980s. Why the five-fold increase? Conventional wisdom says the country's newly harsh attitude toward immigrants has inspired most of the interest. Congress just passed a new welfare law that severely restricts non-citizens' access to public assistance. It also concluded an occasionally nasty debate on the utility of immigrants in general, featuring a number of prominent Republicans who painted even legal newcomers as shiftless ne'er-do-wells. Two years earlier, California voters approved Proposition 187, a ballot initiative designed to deny a series of public services to illegal aliens (implementation of which has since been blocked by the courts). To escape persecution, say the pundits, immigrants are seeking sanctuary in citizenship. They fear that the political sentiments driving Prop. 187 may snowball into attacks on legal permanent residents.

There is a fair amount of truth to this interpretation. Frightened by recent laws and ballot initiatives, many immigrants have no doubt sought citizenship when they might not otherwise have done so.

But there is more to the story. Applications for citizenship started rising in 1992, before immigrants became anybody's favorite scapegoat. In fact, the INS minted more citizens in 1993 than in any previous year, breaking a record set in 1944. Applications climbed slightly higher still in 1994, and many of them were made long before the Prop. 187 campaign became general knowledge in California, let alone around the country. In other words, the rush to citizenship started before the GOP-controlled Congress said its first word about immigrants.

The boom in naturalization includes three important sources that have nothing to do with recent anti-immigrant sentiments. First, the pool of eligible citizenship applicants has increased. Between 1981 and 1987, as the Center for Immigration Studies has pointed out, the United States admitted about 581,000 immigrants per year. Over the next seven years, however, admissions jumped by 47 percent to 853,000 per year (this figure includes both legal immigrants and illegal immigrants granted amnesty under the 1986 Immigration Reform and Control Act). The calculation is simple: More legal aliens equals more potential citizens. Second, two years ago the INS ordered permanent legal residents holding green cards issued before 1979 to have them renewed—for a fee of $75. Applying for citizenship, on the other hand, costs only $95. So thousands of noncitizens decided to lay out the extra money and seize the opportunity to naturalize. Finally, the Mexican government may revise its constitution to allow Mexican nationals who become citizens of other countries to retain certain property rights that they currently forfeit. Although this change has not yet occurred, mere talk of it encourages Mexican immigrants —who have very low naturalization rates—to apply for citizenship, with the hope that during the wait to become an American citizen, Mexico's policy will change.



It takes about 15 minutes to interview each citizenship candidate and accept or reject the petition. With hundreds of thousands of people waiting, those minutes add up.

REUTERS/BOB RIHA JR./ARCHIVE PHOTOS

Whatever the ultimate cause of the rise in citizenship applications, the sheer volume quickly created a dilemma for the INS. How should it deal with so many applicants at once? Naturalization, after all, is a complicated process that makes many demands upon the agency conferring it. The INS must conduct an

FBI criminal background check of every naturalization applicant to guarantee that they have not been convicted of a felony. During a one-on-one interview, an INS agent must ensure that would-be citizens can speak, read, and write in simple English. Agents must also give a test in which the immigrants demonstrate a basic understanding of U.S. history and government. There are other requirements, too. Added together, it takes about 15 minutes to interview each citizenship candidate and either accept or reject the petition. When hundreds of thousands of people are waiting in line, those minutes add up.

If a private business were confronted with this problem, it might choose to outsource the work—in other words, pay someone else to do it. The public sector does not often think in these terms, so when it does it should receive praise. And, in fact, this is what the INS smartly did. Recognizing that the test on U.S. history and government took up a chunk of agents' interview time, it searched for ways to cut down on this commitment. It decided to contract with six private companies to offer the naturalization testing. Immigrants can still take the test in an INS office, but they do not have to. Those who pass one of these out-sourced tests are granted waivers exempting them from taking the exam with an agent. Agents, in turn, are able to conduct more interviews over the course of a day. Although the INS does not keep numbers, informal estimates from INS officials indicate as many as 20 percent of all citizenship applicants now use these waivers.

When done correctly, the contract testing works like an SAT exam. A bunch of very serious, very anxious people come together for the test, which is mercilessly administered by frowning proctors who check identification at the door, read the directions no more than twice, and insist that everybody keep quiet. The test takers leave without knowing for certain how well they have done. Weeks later, their scores arrive in the mail.

Many immigrants are eager to take these tests, which they pay for themselves (prices vary widely, from $25 to more than $100). They are often provided as part of a package deal that includes professional advice on how to fill out maddeningly complex citizenship applications, a set of fingerprints, and a pair of photographs (both required for the application).

Perhaps more important, if immigrants fail one of these exams, they can try again and hope for a better performance next time. Failure in an INS office, on the other hand, usually results in long delays or a complete rejection. Many immigrants also say that they prefer to get the test out of the way before they arrive for their formal interview because visiting an INS office is a nerve-wracking experience not conducive to passing an exam. Suffice it to say that INS bureaucrats do not have a stellar reputation among the foreign-born.

Unfortunately, this privatized testing is full of corruption (though INS testing is not without its problems). When *The New York Times* in 1994 called the INS "broadly dysfunctional" and "perhaps the most troubled major agency in the federal government," it wasn't joking. The six companies that have contracted with the INS to conduct the tests parcel out the actual job of giving the citizenship exams to hundreds of subcontractors around the country, who send the completed tests into their parent company for grading. Many of these subcontractors are the adult education branches of public schools. Nonprofit organizations are also active participants, as are individual for-profit entrepreneurs. The vast majority are honest providers.

But many are not. The problem is that the INS has done virtually nothing to oversee the practices of the contractors or subcontractors. In other words, it has no quality-control mechanism to prevent the buying and selling of answers. This has invited plenty of hucksters into the INS's privatization program. It is impossible to know the precise extent of the problem, except to note that almost everybody close to the process is suspicious of it. Many of the INS agents detailed to naturalization say they do not trust the waivers awarded by the private companies because they have seen people who do not speak a word of English walk into their offices carrying them. *20/20*'s investigation of a Dallas-based subcontractor showed, via hidden camera, how an exam proctor would walk around a room of test takers and correct their mistakes. "This threatens my livelihood," said Greg Gourley, a Seattle-based entrepre-

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neur who offers a variety of naturalization-related services. "The system is wide open to payoffs. Somebody has to clean up what's going on."

So what lesson did *20/20* draw from this evidence? Answer: Privatization is bad. "Some people [are] making a mockery of the whole citizenship process," said correspondent Brian Ross, "particularly since the federal government a few years ago quietly permitted key parts of the testing process, once conducted exclusively by federal inspectors, to also be run by outside groups, including for-profit businesses." What could be worse? Not much, according to Ross, who wasted little time before returning to his theme of public-sector virtue versus private-sector corruption. Contract testing is "a booming multimillion dollar business," he said, "plagued by blatant cheating and fraud...by people making money giving the test."

The problems isn't that some people are earning a living by conducting citizenship tests for the INS. It's that the agency has not monitored its contractors.

To be sure, Ross got all the details right. In fact, his investigation should win an award for fine reporting. Unfortunately, *20/20* got the big picture wrong. The problem isn't that some people are earning a living by conducting citizenship tests for the INS—a category, which, after all, includes INS agents along with private testers. Rather, it's that the INS has not followed through on its privatization efforts.

It has made virtually no effort to ensure that the private companies providing the tests (and their subcontractors) are not also selling answers. Without such reasonable guarantees, contract testing cannot work. Some INS agents in places like Arlington, Virginia, and Spokane, Washington, have even started rejecting waivers entirely and making applicants take the in-house test instead, a de facto reversal of the INS's privatization efforts. In November, the INS actually terminated its relationship with one of its six contractors, the Florida-based Naturalization Assistance Service. This action grew out of *20/20*'s exposé. There are currently no signs that the INS will eliminate the entire privatization program, but the other five main providers are wary.

There are, however, a few simple steps the INS could take to salvage a program that, for the most part, makes the difficult citizenship process run more smoothly and efficiently, for agents and applicants alike. For starters, the INS could monitor the testing. "Auditors, random site inspections, even undercover operations—these are the most obvious ways to improve performance," says William D. Eggers, director of the Reason Foundation's Privatization Center.

Other, less costly steps might also work. Subcontractors could submit themselves to the same FBI background check that naturalization applicants must pass. This would weed out people who have been convicted of felonies. The INS could insist that all testing times and sites be publicly announced several weeks in advance. This would shine light onto a business that often goes on behind closed doors. Finally, INS agents across the country could be instructed to look carefully at the names of subcontractors appearing on the exam waivers. Department stores routinely post lists of people who write bad checks next to their cash registers. Perhaps agents could be told to pay more attention to who is granting waivers, and to become familiar with which ones seem to have a solid record of producing well-prepared citizenship candidates, and which do not.

Without such measures, the INS will have no choice but to pull the plug on privatization. It might wind up doing what *20/20* did—blaming the profit motive as the reason its privatization experiment did not work. The real reason would be because the agency could not get its act together. But in the meantime, an innovative idea that has helped thousands become American citizens and the INS to become more efficient will suffer.

John J. Miller (millerjj@aol.com) is vice president of the Center for Equal Opportunity.

Divided We Stand

By James M. Buchanan

Democracy's Discontent: America in Search of a Public Philosophy, by Michael J. Sandel, Cambridge, Mass.: Belknap/Harvard University Press, 417 pages, $24.95

In this well-written book, Michael J. Sandel offers a critical interpretation of the historical development and current state of the American social order—an interpretation that qualifies basically as "anti-liberal," with varying communitarian, republican, and federalist sentiments. The narrative is straightforward. Until well into this century, argues Sandel, the United States was a civic republic, and criteria for political action were defined in terms of the traditional republican virtues. Important among these was active citizen participation in collective endeavor. Americans conceived themselves as "belonging" to the community or communities, as "situated selves" rather than "unencumbered selves" whose existence was of little import for others. Communality was almost necessarily defined by some relation to "common good."

Only with the onset of the "procedural republic" at mid-century and later, says Sandel, did politics come to be understood as neutral among competing definitions of the good, a neutrality that confined political action largely to furtherance of rights, along with the provision of commercially measurable program benefits demanded by constituents. Politics, in Sandel's view, divorced itself from moral purpose, and collective formation of value standards was ruled out of bounds. At the end of the 20th century, then, the term *public philosophy* verges on the oxymoronic. Sandel's presentation of this theme through careful and provocative review of this century's judicial rulings, especially those relating to religious liberty, is compelling.

Sandel's basic supposition can scarcely be challenged. Empirically, persons are "situated selves" who are defined by both externally observable and subjectively sensed qualities that have never been explicitly chosen and that cannot be shucked off by an act of will.

The issue of import is normative rather than positive. How and to what extent should persons, in both their private and public interactions, act as if they are unencumbered members of an inclusive political community (for example, the nation-state) that is itself much larger than any of the communities that might command their loyalties? Is social cohesion in the inclusive polity advanced or retarded when persons succumb to communitarian arguments that suggest the abandonment of any illusion of neutrality or nominal equality? Philosophers who stress the value of particularized community, as such, in settings where political and communal membership boundaries do not roughly correspond may promote breakdown in the minimal *modus vivendi* that exists. For example, if racially based jury nullification was at work in the O. J. Simpson criminal trial, doesn't that assertion of black solidarity undermine a larger sense of community? Sandel does not respond, either explicitly or by implication, to these concerns that might be raised by defenders of procedural liberalism.

Albert Hirschman's wonderful triadic title, *Exit, Voice, and Loyalty* (1976), offers a useful framework within which to discuss Sandel's argument. The presumed absence of political exit, along with the powerlessness of political voice in large-number settings and the necessarily diverse loyalties to many communities, creates the environment from which procedural liberalism almost inevitably rises to dominance. So, for instance, if any parents of children attending mandatory public schools find prayer offensive, the most likely outcome is that all prayers will be prohibited. In an environment without exit, failure to maintain political neutrality among competing conceptions of the good must involve coercive intrusion. But the very maintenance and enforcement of neutrality weakens any sense of community that members of the inclusive polity may have once possessed. The singular word *America* in Sandel's subtitle might be read to suggest that a sense of national community must, somehow, be reinvigorated.

Any such suggestion may be challenged, however, if political exit is introduced by the presence of effectively federalized structures that allow citizens to opt out of certain situations. Political authority need not be concentrated in a single government in America, or anywhere else. Power can be devolved to competing units within inclusive territorial jurisdictions. Potential mobility among competing political units, among the separate states in the United States, which are integrated in the country-wide economic nexus, may offer protection (beyond threshold limits) against political exploitation in any of several dimensions, including attempts to impose community values. The potential for exit allows at least some matching of personal loyalties and politically promoted common values, and some relief from the abstracted neutrality of procedural liberalism. Mormon values may, in fact, be good for Utah, but they remain so only because those who do not share these values can move elsewhere at non-prohibitive cost.

The classical liberal spin that I have put on the communitarian argument here may not be fully acceptable to Sandel. Nonetheless, he should be sympathetic, as long as there are competing definitions of the good to be sought in collective association. Sandel does not elevate value pluralism to a central place in his discussion, however, so it is not clear how he would respond to this argument. He does not explicitly recognize the value of exit as a means of minimizing political exploitation, whether economic or moral. His gestures toward federalist alternatives stress instead the participatory advantages of smallness.

A related weakness in Sandel's whole construction lies in his failure to appreciate

the categorical distinction between market and political interdependence. He emphasizes the powerlessness of the individual in each setting. He does not recognize that, as individuals become increasingly dependent on "the market," they become correspondingly less dependent on any identifiable person or group. In political action, by contrast, increasing dependence necessarily becomes increasing subjection to the authority of others.

But on the whole, and despite Sandel's likely academic prejudices, he does not draw back from the ultimate implications of his diagnosis. He underscores the vulnerability of the centrally directed welfare state in the absence of national community, and he does not romanticize about national purpose. Instead, he states that there "is reason to consider the unrealized possibilities implicit in American federalism. We commonly think of federalism as a constitutional doctrine that, once dominant, has recently been revived by conservatives who would shift power from the federal government to the states. But federalism is more than a theory of intergovernmental relations. It also stands for a political vision that offers an alternative to the sovereign state and the univocal political identities that such states require. It suggests that self-government works best when sovereignty is dispersed and citizenship formed across multiple sites of civic engagement. This aspect of federalism informs the pluralist vision of republican politics."

Principles of political economy, supplemented by modern public choice theory and confirmed by recent historical experience, tell us that a reduction in the size and scope of the federal leviathan will generate higher rates of economic growth and increase the wealth of the nation while at the same time expanding the liberties of people. This book suggests that genuine devolution will also serve to restore some of the long-lost civic virtues. It remains to be seen whether the intersecting and partially complementary arguments of communitarians, classical liberals, libertarians, and the new federalists will carry the day against a mutually exploitative and bureaucratized stasis that can no longer rely on an ideological crutch.

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Managing Trade's History

By John V.C. Nye

Against the Tide: An Intellectual History of Free Trade, by Douglas A. Irwin, Princeton, N.J.: Princeton University Press, 274 pages, $29.95

Ever since Pat Buchanan became the most prominent Republican favoring restricted trade, verbal fistfights have been breaking out between the adherents of free trade and the champions of the rather more amorphous "fair trade." From time to time, defenders of "managed trade" will also get their blows in, powered by the claim that someone, somewhere has "proven" free trade not to work. Most people, however, have only the vaguest notion of the intellectual history behind the trade theory battle, and many would be surprised to learn how the ideas of so many dead men underlie so many of our liveliest contemporary policy struggles.

Perhaps the greatest contribution by economists since Adam Smith's day has been to disentangle claims made about trade and its effects on material well-being from the very different ideas about what we should produce, ideas that are unrelated to economic growth. *Pace* Ross Perot, it usually doesn't matter whether a nation produces computer chips or potato chips. However, having asserted that trade usually makes both countries richer, the economist has no response to those who feel it would be better for the United States to grow at only 2 percent per year if the rest of the world (especially Europe and Japan) grows only at 1 percent per year, than to be in a world with U.S. growth at 4 percent per year while others grow at 6 percent per year.

Economists, and I suspect most readers of REASON, would say that the latter situation is self-evidently superior. But a preference for the former is a philosophical issue that economic theory is not designed to address. What economists *have* done well is to work out the technical conditions under which free trade promotes the general welfare, and on this issue the consensus for free trade is nearly unanimous.

Douglas Irwin, an associate professor of business economics at the University of Chicago and a scholar at the American Enterprise Institute, has produced a dense but lucid and carefully reasoned volume about the intellectual history of free trade and the recurring attempts to dislodge its place near the forefront of universally accepted economic wisdom. For many economists, an adherence to the general principle of free trade is the closest thing we have to Mom's apple pie. Since most experts' approbation for open-trading regimes has not been matched by a corresponding appreciation among the general public, there has always been a market for ideas that undermine or contradict the ideals of open trade.

By showing us that even the most pragmatic, up-to-the-minute trade struggles have their antecedents in more rarefied intellectual debates going back several centuries, Irwin demonstrates how robust the concept of free trade has been.

Irwin assumes some familiarity with the broad outlines of modern trade theory, and his book will not be an easy read for everyone. Still, by treating the evolution of trade theory in terms of conflicts between the leading academic theorists of the past 200 years, he makes the presentation lively.

First we observe ancient philosophers grappling with problems of commerce without a scientific standard by which to examine their judgments. There are bad ideas and brilliant insights, but no orderly economic framework to hold it all together. It is not until the English mercantilist writers and their rebuttal by Adam Smith that we come to the central debate that has lasted to the present day.

For the mercantilists, trade was war,

with every winner having a corresponding loser. It was Smith who separated the politics of winning and losing from the problem of establishing the gains from trade. When trade is seen as voluntary exchange, the analogy to war becomes inappropriate and even destructive: Mutual exchange is mutually beneficial. Mercantilists worried about the loss of specie that accompanied trade deficits and disparaged the contribution of domestic industry. Smith understood that the wealth of the nation lay in the wealth of its citizens, and that the ability to produce and consume—not merely export—was at the heart of genuine prosperity.

The work of Smith and then David Ricardo established the modern subject of economics and made free trade the benchmark from which discussion proceeded. Over the next two centuries, various men tried to establish exceptions or raise objections to their framework but were invariably found to be inexact or to have employed highly specialized examples. Of course, exceptions have existed from the earliest work of Smith and Ricardo: Some markets were presumed to be imperfect, or else the author believed there was a noneconomic reason for overriding the market in a given instance.

More often than not, protectionists have simply noted that protecting group X or industry Y has helped X or Y, without asking how much the rest of the nation paid for the privilege of aiding them. It is easy to find the partial benefits of protectionism; it is much harder to establish that these benefits outweigh the considerable costs involved.

An important case worth pondering involves the current debate over managed trade and the role of strategic trade policy. The claim is that the peculiar characteristics of some industries—notably a winner-take-all race that favors the first entrant—justify intervention to insure industry dominance. Think about the European claims for Airbus or the 1980s flap over promoting high-definition TV.

Because so much of this material is highly technical, it is good to see Irwin place the debate in a broader perspective. These theoretical exceptions to free trade are quite limited and require a virtually all-knowing government, which most citizens are unlikely to accept (even if it were possible). Knowing that strategic industries might exist is one thing; finding out which real-world projects fit the theory is entirely another.

It is particularly interesting to be reminded of Paul Krugman's evolution in matters of policy. As the most prominent trade theorist of his generation, and one of the founders of strategic trade theory, Krugman exerts a great deal of influence both in academia and in policy circles. From claiming in 1987 that "the case for free trade is currently more in doubt than at any time since the 1817 publication of Ricardo's *Principles*," Krugman in the 1990s arrived at a position of vocal advocacy of free trade. It has been interesting to observe how theoretical exceptionalism has been tempered by real-world political economy. Where once Krugman produced mathematical models that argued for the possibility of helpful trade intervention, he has come to emphasize how difficult it is to put such ideas into practice, and he has become sensitive to the use of his ideas by all sorts of people to justify indefensible trade policies. In his recent popular writing, Krugman, now the scourge of managed traders, sees the irony of so many writers abusing theoretical ideas to which he once contributed so much.

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I would like to have seen Irwin discuss the 1988 paper by Richard Baldwin and Krugman in which a theoretical case is made for Japan's subsidizing its memory chip industry. This work has often been cited by managed trade advocates because it purports to show that, given certain assumptions, Japan might not have had a chip industry without government support. But no one bothered to mention that even under those hypothetical conditions, Japan as a whole would still have been better off without a chip industry and without paying those subsidies. If this was one of the best of the hypothetical examples in favor of managed trade, how much more difficult would it be to make a case for intervention in the real world?

The general reader may well wonder why, if free trade is so good, its adoption has been so exceptional. The short answer is politics. While Irwin's book is unimpeachable on the normative theory of trade—that is, a careful discussion of what state-of-the-art economic theory has to say for and against free trade—it is disappointing to see so little discussion of the politics of trade, particularly the work in public choice.

Few nations pursue free trade, and those that try often deviate from the theoretical ideal. Furthermore, as is now apparent, the most common forms of real-world protection do little to promote the general good. Modern public choice theory has abandoned the utopian assumption of an all-knowing, benevolent state seeking to maximize social benefit. It now studies policies as enacted by politicians responding to lobbying and the need to win elections. We need not assume corruption or venality. Rather, the incentives facing the typical politician are sufficiently skewed so that even the most well-meaning tend to promote the interests of the few at a cost to the many. We need to learn why governments that are subject to manipulation distort their domestic markets, and how persistent misinformation has ensured that even the educated classes remain ignorant of the most elementary notions of comparative economic advantage.

The gap between hypothetical instances when some protection may enhance the public good, and the policies actually implemented in the name of theory, is never more clear than in dealing with newer, "infant" industries. The claim is that newer companies competing with internationally established giants need time to develop behind tariff walls from which they will eventually emerge. In practice, protection merely encourages inefficient production, and in most cases temporary protections drag on indefinitely.

John Stuart Mill first made this idea widespread, but the strongest 19th-century advocate of the "infant industry" critique of free trade was the German Friedrich List, an inspiration to such modern-day nationalists as Buchanan. But even List

never abandoned the goal of worldwide free trade, and he advocated protection only as a temporary measure for countries catching up with advanced industrial nations.

Yet more often than not, protectionism is used to protect not infant industries, but geriatric ones such as steel, textiles, and automobiles. List's name is also used to defend protections that contribute more to the stagnation than to the development of Third World nations, by keeping their industries bloated, technologically backward, and uncompetitive.

In the end, Irwin does us a great service in demonstrating that the theoretical argument against free trade boils down to the following three cases:

- First, those situations in which protection may be helpful if precisely targeted, such as temporarily aiding infant industries. (We would still be better off, however, keeping trade free and subsidizing such infant industries directly.)
- Second, situations involving industries with a large number of peculiar characteristics—such as significant returns to scale or huge spillover effects or winner-take-all effects—that may dictate counter-intuitive strategies, such as selling at a loss for a very long time. The industries involved have to be so delicately poised that the first companies to enter a market reap all the rewards and no catch-up is feasible. Most important, one must assume ineffective capital markets that cannot foresee these problems, while postulating a government agency that can.
- Finally, purely political or distributional considerations that have little to do with promoting the nation's wealth. This case is the most intractable since the winners may well outnumber the losers, but the losers are so important to the government—or the public feels such sympathy for their plight—that political or emotional considerations about short-term job loss, or profit erosion, dominate the policy debate. But here too, free trade combined with direct assistance is a more efficient and humane policy.

For anyone familiar with the history of economic thought, it ought to be clear that free trade remains the best practical policy involving the fewest complications and the greatest overall gain. Hypothetical exceptions only strengthen the soundness of this fundamental prescription. So it is extremely useful to have at hand such a scrupulous and lucid guide to the history of modern thought on the subject. It is also worth bearing in mind that the theory will continue to evolve and that scholars will continue their debate, but that in the end any successful exceptions to the norm of free trade will depend on state authorities having penetrating insight, superior knowledge, and extraordinary benevolence. This, unfortunately, will rarely be the case, no matter now sophisticated our scientific knowledge becomes.

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A Matter of Respect

By James D. Wright

Culture of Honor: The Psychology of Violence in the South, by Richard E. Nisbett and Dov Cohen, Boulder, Colo.: Westview Press, 119 pages, $59.95/$12.95 paper

The American South is more violent than any other region of the country, a distinction that has intrigued commentators on the South for at least three decades. The issue is not with the observation itself (no one disputes that there is more violence in the South than elsewhere) but with the interpretation: Is the pattern a product of certain violence-engendering conditions that just happen to be concentrated in the South (for example, more poverty, more heat, more guns, worse race relations)? Or is there something intrinsic to Southern culture, society, or history that predisposes Southerners to violent acts? And if the latter, just what is it that makes the South distinctive?

Culture of Honor makes a compelling case that there is something about Southernness itself that accounts for the link between region and violence. The case begins with a review and reanalysis of the extensive research on region and homicide. University of Michigan psychologist Richard E. Nisbett and University of Illinois psychologist Dov Cohen find many common explanations for the South's higher homicide rate wanting. The legacy of slavery is probably an inadequate explanation because the *non*-slave regions of the South show the highest homicide rates; temperature fails as an explanation because the cooler upland regions have higher homicide rates. Relative poverty rates cannot be ruled out as a causal factor, but the regional effect remains even when poverty is taken into account.

Two other results point to a fundamental cultural factor. The regional effect does not seem to operate in big cities (big-city homicide rates are about the same in the South as elsewhere); it appears only in small cities and towns (Southern small towns are *a lot* more violent than small towns in other regions). Also, there is little or no regional difference in black homicide rates, only in the white rates. So the Southern distinctiveness in homicide and violence is concentrated among small-town whites, strongly suggesting the impact of regional culture.

Southerners and Northerners have different attitudes about violence—not across the board (as might be expected) but in certain specific areas, all of which seem linked to notions of honor and respect. Southerners, for example, are more likely to agree that violence is acceptable in defense of home and family and as a mechanism of social control, and they are especially likely to endorse violence as a response to insults and affronts, most of all when they involve women. This pattern suggests a culture in which honor threatened is honor lost and no response to the possible loss of honor is too extreme. Nisbett and Cohen note the evident similarities between this Southern code and the new culture of violence in the inner cities, where "dissing" often leads to death.

The authors have also conducted an

ingenious and intriguing series of social-psychological experiments to show that Southerners respond to threats and insults in different ways than Northerners do. This is some of the best evidence ever assembled on the violent proclivities of Southerners and a formidable challenge to the many scholars (oddly enough, most of them Yankees) who have pooh-poohed the "regional subculture of violence" thesis. In one series of experiments, subjects were affronted and insulted (for example, an associate of the experimenter would "accidentally" bump into the subject while walking down the hall and mutter "asshole"), then tested for cortisol and testosterone levels as well as assessed with paper-and-pencil tests. Sure enough, Southern males in these experiments showed significantly stronger physiological and attitudinal responses than Northern males. In another study, observers stationed in the hall (pretending to do homework but actually observing closely) noted whether the subjects' reactions to the insult were amusement or anger. Southern subjects were significantly less amused and marginally more angry than Northern subjects.

A possible weakness in the study is that the subjects were students at the University of Michigan, hardly a typical batch of small-town Southern rednecks. To people in the South, "going North" to college usually means Vanderbilt or Duke, or possibly Virginia, so Southern males who end up at a place like the University of Michigan are highly self-selected. At the same time, a "typical batch of rednecks" would almost certainly react even more strongly to these experimental conditions.

In sum, Nisbett and Cohen make a strong case that the South is truly (not just accidentally) distinctive in its attitudes and behaviors concerning violence. Unfortunately, that does not necessarily tell us very much, if anything, about the ultimate source of the distinction. To say that the observed patterns reflect a generalized "culture of honor" restates but does not explain those patterns. If there is, indeed, a culture of honor in the South that lends itself to violence, where did it come from? And why is it uniquely Southern? Here *Culture of Honor* is rather thin and unpersuasive: "We believe that the southern

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culture of honor derives from the herding economy brought to the region by the earliest settlers and practiced by them for many decades thereafter." Elsewhere the authors refer to the Scotch-Irish origins of the early South, the hard-scrabble herding economy of the era, and the "worldwide" association between herding economies and "concerns about honor and readiness to commit violence to conserve it."

Nisbett and Cohen call this argument "the weakest part of our thesis," with good reason. The implication is that Yankees of Scotch-Irish origins would be just as prone to violence as Southerners, which is not likely to be the case. This is not to suggest that the herding thesis is wrong, only that it seems rather a stretch as argued here. One would like to see evidence on the origins of the Southern culture of violence that is as persuasive as the evidence of its existence. The evidence assembled here, while certainly intriguing and even fascinating at times, does not rule out alternative explanations for the higher rate of violence in the South—including my favorite, originally proposed by Sheldon Hackney as early as 1970: "In the South, there's just more folks who need killing."

We seek to understand violence in order to control it. By dismissing a range of conventional explanations for the Southern "tendency," *Culture of Honor* implicitly questions the efficacy of certain policies. If "more guns" is not the reason why the South is more violent, then gun control is not the solution; if poor race relations do not explain Southern violence, then better race relations will not eliminate the disparity.

Assuming Nisbett and Cohen are essentially right, higher rates of violence in the South have cultural roots that stretch back centuries, which implies that we cannot reasonably expect short-term interventions to have much of an impact. If the problem is based in culture, the only reasonable solution is to change the culture. And as sociologists constantly remind us, that is much easier said than done.

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Who Should Pay for Science?

By John Staddon

The Economic Laws of Scientific Research, by Terence Kealey, New York: St. Martin's Press, 396 pages, $75.00/$19.95 paper

Everyone assumes that basic scientific research must be funded by government. Why? Because basic research is presumed to be a "public good" whose benefits are shared by all, and no competitive business can be expected to pay for something whose benefits must be shared. Terence Kealey, a clinical biochemist at Cambridge University in England, argues in his provocative new book that what everyone knows is wrong. He contends that non-military science would not only survive without government funding, it would do better than it does now.

Although everyone "knows" that science must be publicly funded, everyone also knows that nearly all the great leaps of classical science—Newtonian physics, relativity, atomic theory, thermodynamics, electromagnetism, genetics, and many others—occurred with no government aid whatever. Few are troubled by this contradiction, because all assume that science and the world have somehow changed in ways that make government science funding essential.

For one thing, we now know how to "do" science in an organized way that is more efficient than the old haphazard method and lends itself to governmental programs. For another, science is so much more expensive now that private funding is insufficient. Third, science is now more necessary to economic competitiveness, so its support is a matter of national urgency. And finally, the "public good" argument: Private sources might fund *some* basic science, but it won't be enough, so government must take the lead.

Kealey systematically demolishes all these arguments. For example, if science really is necessary for competitiveness, then private industry should be the first to fund it—and it does. Research is essential for success in biomedicine, and Kealey gives several examples showing that private funding is still dominant despite the billions spent by governments on biomedicine here and in other developed countries. And we're not talking about applied research, but basic, published science: *Current Contents* recently reviewed the institutions that produce the largest numbers of cited papers in biology, and of the top seven, two were private companies, one was a charity, three were private institutions (though these now receive government grants), and only one was a wholly government-founded, government-funded laboratory, the Institut de Chimie Biologique in Strasbourg.

The view that scientific research can be reduced to a routine best administered by a central bureaucracy originated with 16th-century philosopher and political schemer Francis Bacon. Kealey contrasts the "Baconian view" with the free market ideas of Adam Smith. Kealey first defends Smith against Bacon with wonderful historical illustrations. For example, he contrasts the Roman Empire with the "dark ages" that followed its dissolution, and points out that when commerce was under state control under the Romans, technical innovation stagnated. But during the dark ages, when government was weak, all the great inventions that set the stage for the industrial revolution occurred: the saddle, the stirrup, the horseshoe, the horse collar, the tandem harness (the chariot race in *Ben Hur* would in reality have been a much tamer affair), the water mill, the crank, and several others. In the 19th century, he points out, British science received almost no government support, "yet that did not prevent Britain from growing into the richest and most industrialized country in the world, nor from producing scientists such as Davy, Kelvin, Maxwell, Lyell and Darwin. Curiously, 19th-century France and Germany, whose governments did fund science expansively, trailed behind." Kealey wonders, "Can government funding of science be so important?"

But perhaps science really has changed. Surely something as important and diffi-

cult as artificial computation requires government support if it is to succeed? Well, no. The abject failure of the Japanese fifth-generation project (sidelined by the rise of the personal computer) and its equally unsuccessful European twin, ESPRIT, are recent examples. But there is also an older one that has created its own myth: Charles Babbage and his difference engine. In 1833 Babbage (the story goes) had this great idea for a mechanical computing device. He tried to get government funding for it and in the end got £17,000 (a huge amount) but still failed to finish his engine.

Not enough funding, perhaps? Genius thwarted by short-sighted bureaucracy? Apparently not, because two Swedish engineers in fact succeeded by 1853 in building the engine, for much less money. But their business venture failed because the engine was of little more use than conventional mathematical tables. Babbage meanwhile continued to complain because the government would not fund his much more ambitious analytical engine, a forerunner of the digital computer. The device was in fact impractical (mechanical computers are too slow), so (Kealey contends) the British government was quite right to refuse to fund it. The good effect of all this, he writes, was that it "warned successive British administrations off science."

Along the way Kealey demolishes a few other myths. One is that basic science is essential for technological advance. It is sometimes essential—electromagnetism is a case—but often the effects go the other way: Science learns from technology, as in the cases of thermodynamics and steam engines. Another myth is that science is essential for economic growth; technology is, science isn't. And most striking of all, that government supports more science than the private sector would if left to itself. By comparing different countries, Kealey shows that the larger the fraction of civil science supported by government, the smaller the fraction of GDP devoted to science. Astonishingly, a dollar of public investment in science seems to displace more than a dollar of private investment.

But what about the "public good" argument? Surely an activity like basic science whose benefits must be shared can never be attractive to a private investor. Kealey argues that "[t]he biggest myth in science funding is that published science is freely available." He points out that no one assumes legal knowledge is free just because it is published. Learning about published science has a cost. A company that wishes to keep up with current science must support active scientists. They must be "in the game." Even if your main interest is in copying others, you must support an operation that does some original work if you want to copy effectively. Kealey has other arguments, based on "first mover" vs. "second mover" costs, that help explain why it is that competitive companies will wind up supporting some basic research. Add to this the free availability of charitable funds in a small-government, low-tax economy, and basic science comes out very well without government funding.

No one assumes legal knowledge is free just because it is published. Learning about published science also has a cost. A company that wishes to keep up with current science must support active scientists.

Has Kealey put his finger on what's needed for effective science? Is private vs. public funding the key? There are certainly competing arguments. Yet many working scientists will agree that science is showing signs of stress. Perhaps it is no accident that writer John Horgan has just made a splash with his book, *The End of Science,* which argues that all major scientific advances have already been made. Horgan's conclusion is highly unlikely, most scientists think. But he may be responding to a real phenomenon: diminishing innovative returns in science brought about by an increasingly homogeneous funding bureaucracy—what physicist Rustum Roy in a recent *Science* editorial called "the world's most inefficient system for funding of research."

In the United States, there is really only one "buyer" for science: a handful of government agencies, dominated by the National Institutes of Health. Anyone in the grant application business knows how the current system tends to punish major innovation; small increments are favored. No one who proposes to do something just to satisfy his own curiosity has a prayer of getting funded these days. Review groups have a pejorative phrase for such efforts: They are called "trust-me" proposals, and they always fail to win funds. Yet this kind of undirected curiosity has been the source of *almost all* major discoveries.

The problem of missing out on long shots is usually attributed to lack of money. Certainly off-beat proposals have less chance of success when the "pay point" is 10 percent than when it is 50 percent. Yet science funding in most areas is larger now in absolute terms than it has ever been, so the real problem may be elsewhere. Perhaps the solution is not to abolish government funding but to reduce its monopolistic features. Science is a Darwinian process, and if it is to work there must be variation as well as selection. Variation is stifled by monopoly but favored by competition, so perhaps we need more competition not among scientists but among science-funding agencies. Kealey's work alerts us to the possibility that the flaws in the system may not be curable by minor modifications.

Terence Kealey has written a compelling and highly readable book that deserves to be widely debated. To me, as a working scientist with a long history of dealing with the granting and regulating bureaucracy (good people trapped in a bad system), his arguments ring true. Yet almost everything Kealey says opposes the conventional wisdom.

Who's right? It's hard to know—these are complex issues, after all. Unfortunately, defenders of the status quo seem reluctant to engage in debate. After describing his own repeated attempts to defend a position similar to Kealey's, physicist Roy recently commented: "I have yet to find one similarly reasoned book or paper replying to these arguments." It's time to hear a detailed refutation from those who believe that American science lives or dies by the present system.

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Class Warfare

It's soccer moms vs. poor kids—in a rout.

Thomas W. Hazlett

Perhaps the critical turning point in Campaign '96 occurred in the second presidential debate, held in San Diego, shortly after the Clinton-Gore re-election effort had invested some millions of fastidiously laundered Indonesian rupiahs into a massive buy for a TV spot condemning a slow-motion, black & white Bob Dole for voting against the creation of the Department of Education.

At that dramatic moment in American history, the shrewd Kansan stalked like a big game hunter. Just as his prey loped into his cross-hairs, he squeezed the trigger. "Aha! You've revealed yourself as a fraud to every American voter," Senator Dole glared at President Clinton. "You say you're a New Democrat, you mouth clichés like 'the era of big government is over,' but you are a hopeless defender of the old-time medicine. Today, right here in this campaign, you equate *curing* a problem with creating a federal bureaucracy *named after* the problem. You think each social ill has a Washington solution, and the fact that the test scores of millions of young Americans have been in free fall since the Department of Education *scheme* was concocted doesn't phase you in the slightest. And why should it? You've got your kid in a *private* school."

Well, OK. It never happened. Yeah, there was a San Diego debate. And the Clinton campaign attack ads aired on every TV monitor in America. But Bob Dole never responded precisely this way. Or any other way, come to think of it.

The Washington Post recently displayed the following banner front-page headline: "D.C. Schools Called a Failure." The Control Board, an outside agency which now administers city finances pursuant to what would be called a bankruptcy reorganization in the business world, performed its own expert evaluation of the system and gave it "an absolute F." Thank goodness, Mr. President, for Sidwell Friends!

The District's public schools do have some big-time social problems to cope with, yet they spend in excess of *$10,000 per student per year* to achieve at least some results—yet even a D– is beyond their grasp. What tony private academies would such a stipend access? One wonders how abolishing the school system and paying every parent $10,000 per child could fail to result in a far superior system. Do the math: a 25-child class pulling in one quarter of a million dollars annually. What kind of educational experience might be afforded in the open market with this tidy sum?

Instead, the powers that be prefer to fund a "dysfunctional" system that fails students and displays widespread corruption—a "deplorable record...by every important educational and management measure."

Ready for the *Washington Post* editorial spin? The *Post* is rightly ashamed of the situation in an unsigned editorial titled, "An Absolutely Devastating Report." They note the report's conclusion: "For each additional year that students stay in D.C. public schools, the less likely they are to succeed." They urge "in the strongest terms possible" that everyone go out and read the report. And then...nothing. "Radical changes" are called for—all comfortably within the present structure. The D.C. public school managers have already revealed that they are neither motivated by the success of their charges nor much constrained by legal rules. How long before we send in a rescue party for these helpless kids?

Will no one so much as utter the v-word? Vouchers give parents of poor kids a means of escape. Who will dare to say the word? Oh, yeah. Bob Dole. Look what happened to him.

The Clintonites loved Dole talking vouchers—and voting against the DOE—as they brilliantly exploited education as their key wedge issue with soccer moms. While school choice would bring huge relief to the urban poor (whose allegiance to the Democratic Party was not in play), it will do little for middle-class folks. Clinton-Gore realized that suburbanites don't care about the kids downtown stuck in "dysfunctional" schools. They care about their kids—in pretty decent schools—and their property values.

The simple financial calculus: Housing prices reflect local school district performance. People pay to be where their kids get a better education; hence, they bid up the price of real estate in areas with "free" access to high-quality public schools. Call this the "Johnny Can Read Premium." Those in the ritzy precincts don't need to go the voucher route. Moreover, if everyone else gets the schooling opportunity they've already assumed a mortgage for, they will *lose* their JCRP.

This is the ugly financial story lurking behind the soccer-mom pandering on education. Suburbanites fear "radical" or "extreme" measures that would open up their schools to the riffraff from surly neighborhoods—and wash away the JCRP, because no longer would aspiring parents have to "move on up" to get their kid into a decent school.

And so the president's neglect of the plight of the thousands of poor, mostly black youngsters held hostage in America's worst—and most expensive—schools in D.C. is not the slightest bit out of character. Hauling water for teachers' unions, cynically manipulating the soccer mom vote, trashing the speechless Bob Dole as "wrong in the past, wrong for our future," all while abandoning the kids at risk—well, that's what seizing the moral high ground on education was really all about.

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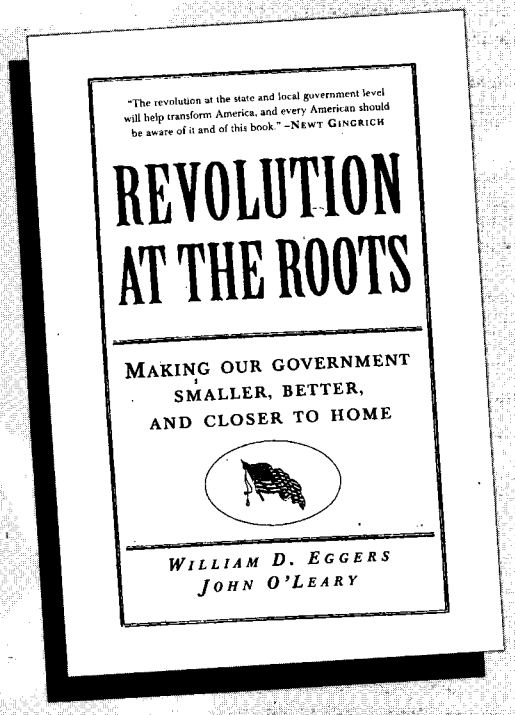
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